

VARIETY

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RADIO K.O.'S SUMMER SLUMP

Nazi Air Raids Cut London Legit B.O. 50%; Many Post Closing Notices

London, Sept. 3. Sudden reversal of the recent boom in show business is causing notices to be posted by practically 50% of all West End legit shows.

[Ed. note: Whether this augurs another London-evacuation expectancy, because of the Hitler blitz, despite the excellent Royal Air Force counter-offensive, or is just a precautionary measure in the war of nerves, is problematic.]

'Margin for Error' at the Lyric, 'Present Arms' at the Prince's, and 'Dear Octopus' at the Adelphi folded Saturday (1). The remainder are considering daily matinees in lieu of night shows, or earlier evening performances.

'Black Velvet' at the Hippodrome is slated to fold in a fortnight, with no announcement of any successor show. Firth Shephard today (Tuesday) announced a month's postponement in the opening date of his new musical comedy, 'Learn to Love', due at His Majesty's, and frankly states that his two other musicals, 'Up and Doing' and 'Shephard's Pie', dropped 50% in gross receipts since the Nazi air raids started.

Moneyed Continentals Key to Class Cafe Boom Throughout America

The moneyed internationals now in America are back of a class cafe boom which U. S. nitery proprietors state will exceed all times, both for New York and Florida this year. It's also expected to reflect cafe society prosperity from coast to coast in other key cities.

The European mess has evacuated the cosmopolitans, all of them seeking refuge on American shores.

Already it's been noticed that the class cafes sound more like the Ritz, Paris, or Savoy, London, bars, with their medley of dialects and linguistic. 'Continental' and international divertimento will be the attendant keynote of most of the nitery fare.

Famed Old Friars Club Becomes Rehearsal Hall

Marking the passing of another Broadway era, the famed old Friars Club, on W. 44th street, New York, becomes a rehearsal and audition studio. Goldbetter Studios outfit will break up the historic club, scene of many a memorable Friars Frolic, into 20 band rehearsal rooms. However, the Friars' familiar meeting hall and stage will not be disturbed, and will be used for special auditions in a setting comparable to what it would be on a regular job.

With the change, Goldbetter's becomes the Fraternal Clubhouse Studios & Recording Co.

WB Home Defense Guard

Hollywood, Sept. 3. Warvets, a patriotic group composed of former service men, was organized at Warners with Harry Platt, staff shop foreman, as first president. Members will receive training in rifle and pistol shooting and anti-aircraft technique.

N.Y. FILM EXECS TABU POLITICO GAGS IN PIX

Eastern film executives are looking askance at some of the political gags inserted in features recently previewed in New York City. At least two companies have advised their studios to soft-pedal such material because of the dynamite they contain with the presidential election this year. Whether adverse to the G.O.P. or Democrats, picture officials point out that such jests will be dated before the pictures go out on general release this fall.

Consensus among home office people is that most of the comedy incorporated in such gags is not funny enough or sufficiently pertinent to the story to have been included in the first place. Slap at Roosevelt or slighting reference to Republican voters are viewed as dated and likely to make the film in question look stupid in the light of voting next.

FILM REFLEX FROM MEX. 5th COLUMN STEAM-UP

American picture companies have been tipped to soft-pedal future productions that show up the history of the Mexican Republic in an unfavorable light. New policy stems from fact that German propaganda agents purportedly have been fanning anti-American sentiment in Mexico in recent months.

Basis for Nazi propagandist campaign is that many southwestern states of this country formerly belonged to Mexico and 'rightfully' should belong to Mexicans. Reports reaching N.Y. are that German fifth columnists have been advocating a policy which would set up U.S. as an enemy nation and that after the European struggle, the Germans would help Mexico get back its old territory.

BEST JUNE, JULY, AUG. ON THE AIR

C.A.B. Finds This Summer's Network Programs Enjoyed 'Probably the Largest Audiences in the History of Commercial Broadcasting'

25% OVER 1939

Network radio's annual bugaboo—the summer slump in audiences—this year was so effectively smoked out that in only one four-week period did the audiences show any lassitude in their dialing whatever. And even during this lowest point, the listening level of evening half-hour programs was still 25% over 1939, while the daytime level overshot the prior year by around 11%. This seller for one of radio's oldest headaches is apparent from Cooperative Analysis of Broadcasting reports (excerpts of which appear in the tabulation herewith). The C.A.B. itself says:

'Summer audiences for 1940 network radio programs—daytime and evening—were larger than a year (Continued on page 32)

\$1,000,000 Loss to A.C. Due to Floods; Phoney Storm B'dcasts in N.E.

Atlantic City, Sept. 3. This seashore resort, which was practically isolated Sunday (1) because of cloudburst and floods in southern part of state, suffered a knockout blow on what has always been the high climax of the season, the Labor Day weekend. Amusement and hotel operators state it was nearly \$1,000,000 loss to them.

Top entertainment had been booked for piers, theatres, hotels, nightclubs and restaurants. Outside of pier theatres, which were crowded, (Continued on page 55)

Long Orch's 700th Week In One Spot, a Record

Minneapolis, Sept. 3. Believed to be a record for long hotel engagement anywhere, the United States, Dick Long and his orchestra are celebrating their 700th consecutive week at the Curtis here this week. The Long band has been broadcasting over WCCO for 14 consecutive years.

It has the distinction of having made the first remote ever, offered by that station. This was from the Nankin nitery before Long moved his musicians to the Curtis.

Seasonal Vaude 'Comeback' Hope Agam No Soap; Indies Look Best

Wanger on Goldwyn

Montreal, Sept. 3. Queried about talking French over local station Friday (30), Walter Wanger quipped: 'I heard Sam Goldwyn deliver a talk in English so why shouldn't I talk in French?'

RECORD LABOR DAY WEEKEND BIZ ON B'WAY

Biggest business of any Labor Day weekend within memory was chalked up on Broadway. New York World's Fair likewise reacted to the urge for a holiday, the gate of 780,000 admission for the three days being the best for any similar period this year.

[Similarly powerful biz to that in New York was recorded by picture houses, legiters and amusement parks throughout the country. In addition, crowds everywhere reflected what may pass for better times in their willingness not only to squawk but to spend.]

Not only did film houses, legiters and nightclubs rack up record grosses, but strolling crowds on Broadway virtually turned all of Manhattan into a (Continued on page 23)

GLENN MILLER SWINGO AT OPERATIC BENEFIT

Philadelphia, Sept. 3. The Philadelphia-La. Scala Opera Co. has hired Glenn Miller's band to play at a benefit of the operatic organization at Atlantic City's Convention Hall Oct. 13.

This is believed the first time that a group representing serious lyric drama has turned to a swing outfit to help raise funds. The contract with Miller's band was signed yesterday (Monday) at the Steel Pier, where Miller is currently working. Date is the night before Miller goes back into his second seasonal stand at the Pennsylvania hotel, New York.

COMMUNAZI FILM PLAY

Hollywood, Sept. 3. Frederick Hazlett Breznau's serial, 'Let Me Call You Comrade', a satire on the Hollywood communism-Nazi situation which in Collier's, is being adapted into a stage play. Bobby Newman, in from New York with a rough adaptation, is conferencing with Breznau for immediate production.

If there's going to be anything approximating a vaudeville revival this season, it's not evident from the lineup of theatres resuming stage shows this month. The most accurate barometer of things to come is the indie bookers, but they report little new so far.

The major circuits are virtually in the same position as last September, and worse. RKO, for instance, is minus the Palace, Chicago, a big-time, full-week spot that's now playing straight pictures. Circuit indicates it's making money with this policy, or losing less than when playing stage shows, and there's no immediate plans for a vaude resumption in the windy city.

Warner Bros. vaude book likewise will be missing one major stand this season, the Earle, Philadelphia, unless settlement is brought about between the chain and musicians union local in that town. Musicians (Continued on page 55)

Berlin Mulls M-G Deal For 'God Bless Amer.'; May Net Scouts 150G

Irving Berlin is mulling a reported bid from Metro for 'God Bless America', which may net the Boy and Girl Scouts of America, to whom he has ceded all the rights in that song; perhaps as much as \$150,000 or \$200,000. Metro is known to have offered between \$25,000 and \$50,000 for the song title and rights alone, but Berlin has an idea for a Young America version of 'Yip Yip Yaphank', his soldier show of World War 1 days.

Berlin visualizes a juvenile, based on an American patriotism theme, climaxed by the song. He would want to work on the film, however, contributing his services gratis or, more likely for technical reasons, at \$1. Thus, Berlin feels he could project the proper idea and preserve the general intent of the anthem.

Erudite Burlesque Mgr., Maestro Parlez in Latin

St. Louis, Sept. 3. A Justice of the Peace who manages a burlesque theatre, the Garlick, and the house's baton-weaver, who in an unguarded moment is a police magistrate, might well be the millenium here. But that's not all. Taking time out between shucking by the stripperos, Richard Zeisler, the manager, and Frank Reidsberger, the police-magistrate maestro, like to brush up on their conversational Latin.

And conversational Latin is something that hasn't been common since the good Roman senators launched a tirade against Roman conspirator Lucius Sergius Catilina back around the first century B.C.

Pascal's 'Major Barbara' Gives Idea of London's Film Prod. Woes

Air raids permitted only one day's shooting on "Major Barbara" during the whole of last week, Gabriel Pascal stated. A cablegram from England received in New York yesterday (Tuesday). British producer, who is filming the George Bernard Shaw story for United Artists release, said that from present indications he will not arrive in the U. S. with a print until around Nov. 5. He planned coming Sept. 1, until the air raids began hobbling production.

Pascal's cable was to Marian Baldwin, his p.a., who arrived in this country from England a few weeks ago. She declared that air raid warnings until the recent heavy raids hadn't halted production, as alarms were disregarded and work continued right through them. Now, however, bombings are much closer to the Denham studios where Pascal is working and the entire personnel is forced to rush to air raid shelters.

Also, slowing production, Mrs. Baldwin said, was the lack of sleep by both players and technicians. Each night five or six of the staff must patrol the studio, doing duty as air raid wardens. They finish shooting at 9 p.m., and patrol until about 5 in the morning, returning to work at 8. Among the men in this service are Ronnie Neill, cameraman; Harold French, liaison director; and w.k. stage director; David Lean, assistant director; and David Tree, a member of the cast.

Tree was called up for duty by the army but released for this picture. Andrew Osborn, who was originally in the cast, was also drafted for the military, but could also have been released. He refused, however, and his place in the picture was taken by Rex Harrison.

Britain's Cooperation
Government has lent all possible aid to Pascal. Miss Baldwin de-

Fifth Columnist Scare Dissipates, Canadians Look to Det. for Amus.

Detroit, Sept. 3.
What nitery and general entertainment business there was in Windsor, Ont., across the river from here, is flowing back into Detroit. Customs and immigration difficulties have been unlinked to an extent where passage between the countries again is easier.

What discouraged Windsorites from coming across the Detroit River for their entertainment was the explosion in the basement grill room of the swank 10-story Norton Palmer hotel, which killed a college student serving as cashier, and injuring 33 diner-dancers. Tenseness of the blast and general war nature in Windsor bred the rumor that it was sabotage, a bomb plant by Fifth Columnists, etc. Probers, however, learned to the theory was an ordinary boiler or gas explosion.

Francisca Gaal Gets Brushoff as Non-'Aryan'

Madrid, Aug. 22.
The socko reception accorded by the press to Francisca Gaal, Paramount player, upon her recent arrival in Spain, was tempered considerably upon the protest of the German embassy.

All Miss Gaal's films are banned in Germany, and indications are that they will be accorded the same treatment in Spain.

Miss Gaal's Jewish blood is undoubtedly the cause for the thumbs-down on her in Spain and Germany. For years, prior to her migration to Hollywood, she was one of the leading actresses on the Budapest stage. She's a native Hungarian.

'Moe' Snyder Freed

Hollywood, Sept. 3.
Martin 'Moe' Snyder (The 'Colonel') was given his temporary freedom last week but ordered to return to court Oct. 22 for ruling on a second trial on charges of shooting Myrl Alderman, husband of his former mate, Ruth Etting.

Considered unlikely Snyder will be held for another trial as the Aldermans are in the east and do not care to return to press the charges.

U-Sullivan Appeasement

Los Angeles, Sept. 3.
Universal dropped its injunction suit against Margaret Sullivan and agreed to a new deal, permitting the actress to play in the Loew-Lewin production, "Flotsam," but retaining first call on her services for the next picture.

Miss Sullivan and U had a one-picture contract for several years but could not agree on suitable story.

H'WOOD RAISES \$440,416 FOR CHARITIES

Hollywood, Sept. 3.
Film industry's contribution to the American Red Cross and Allied War Relief totaled \$440,416.75. Samuel Goldwyn, representing the picture business, turned over a check for that amount to Dr. A. H. Giannini, chairman of the Citizens Emergency Committee of the Red Cross.

Of this sum, the Red Cross gets \$163,159.31, and the rest will be divided 60-40 between two relief organizations.

Theatre Guild of Southern California, comprising leading personalities in the picture colony, has added a fifth week to its benefit performances of Noel Coward's "Tonight at 8:30" at the El Capitan, Hollywood. Already British relief fund has reached nearly \$100,000, with packed crowds continuing to view the Hollywood names who are donating their services.

Biltmore went dark (31) after disappointing two weeks with Flora Robson. "Ladies in Retirement" piece garnered another \$8,500 on second stanza. Only other legit town is revised version of "Meet the People," at Music Box, Hollywood.

SERLIN'S 'DUTCH VET' MAY GO PARAMOUNT

"Dutch Vet," book to which Oscar Serlin bought dramatization rights last week, may be filmed by Serlin for Paramount in 1941-42. Whether Far goes through with a loose verbal agreement that has been talked depends upon how the legit version, which Serlin will produce first, turns out. Serlin, sponsor of the current Broadway hit, "Life with Father," was with Par for a number of years.

Book is principally character study. It's by Anton Rothaer and ran through many printings in Holland, where it was originally published. MacMillan put the English translation on sale in this country last week. Whereabouts of the author are unknown as result of the war abroad.

Serlin has not selected anyone to dramatize it yet. First on his slate is a play on Nijinsky, the dancer, to be dramatized by Clifford Odets. Latter will begin work when he finishes his own new play in a couple months.

Ruth Lowe, 'Smile' Writer, on Personals

Ruth Lowe, writer of "I'll Never Smile Again," begins personal appearances Sept. 13 on the strength of her song's click. She opens with a week at the Adams theatre, Newark, N. J., with Bob Chester's band. Barry Wood, singer, the Hit Parade radio program, and comedian Bert Wheeler. She's being booked by Gordon & Williamson.

Former pianist with Ina Ray Hutton, now disbanded all-girl orchestra, Miss Lowe will work on stage with Wood. He'll sing as she accompanies and, at the finale, will introduce one of her newest numbers.

Adams reopened Friday (28) with a tab version of George White's "Scandals."

Long Time Getting Going

Hollywood, Sept. 3.
Harold Lloyd finally set Sept. 8 as starting date for his RKO production, "Three Girls and a Gob," after a year's preparation.

Sets and script are ready, but the cast has not been fully announced.

Alan Mowbray Raps Bakon's 'Deserter' Charge at Filmites

Hollywood, Sept. 3.
Charges by Michael Bakon in London that Hollywood's British actors were 'deserters' in their country's hour of need drew broadside in reply by Alan Mowbray, president of the British War Relief Association of Southern California. Calling the English producer's statement 'an unwarranted smear,' Mowbray declared by cable that 99% of the British actors here are not only doing their bit, but their best.

A large majority of the Hollywood 'British colony,' Mowbray wrote, 'served with distinction in the last war and have volunteered their services by registering with the embassy at the outbreak of this one.' May I suggest that your campaign would be better served by dealing in names, rather than in generalities, so not to cast slurs on the British colony here as a whole.

'We are doing what we can while awaiting the answer to our collective offer of service. You may refer to the British Red Cross for a record of the efforts of the association. Official quarters in England can supply you with records of the British motion picture colony's contributions.'

'BEANIES' CHAPEAUX May Spread With Release of RKO's 'Too Many Girls'

Fad of 'beanies' as femme headgear, started last fall by the Rogers-Hart musical comedy, "Too Many Girls," is expected to be greatly intensified this season with the release of George Abbott's picture version of the show. "Beanies," which sell for around \$1 in the class stores and for as little as 10c in the bargain basement, are like skull caps. Their popularity last season was a headache to the millinery trade, as their comparative cheapness was figured to have cut down the gross sales on young women's hats.

In the legit version of the show the beanies were worn by co-eds at Pottawattamie College and indicated that the wearer was a virgin. Hays office insisted on changing that in the film version, so in the forthcoming RKO release it's explained that girls who wear the beanies are ones who don't neck. Gag about the beanies being only for virgins was used in various ways when the legit musical was playing at the Imperial, N. Y., last season. Ushers at the house wore them and the lids were also on sale at \$1 each in the lobby during intermission.

Maynard's Drunk-Drive Arrest, Fined \$150

Seattle, Sept. 3.
Ken Maynard, featured with Cole Bros. here, for drunken driving of auto and had to dig in jeans for \$150 before he could make the matinee Mount Vernon. Wash. Show played here si performances to good returns.

While out of pictures for some time, local kids went strong for their sagbrusher with heavy pull of pasteboards. Hoosier trip was not known until after show left burg.

Actress-Daughters to Be Shown How By Mother

Oakland, Sept. 3.
Mrs. George Fontaine, mother of film players Olivia de Havilland and Joan Fontaine, will try her thespian hand Sept. 6 and 7 when she appears as Mistress Ford in a community production of "Merry Wives of Windsor" at Saratoga, Cal.

The performances will be given for British War Relief.

A Prediction Comes True

Some years ago it was predicted by ad agency men that the time would come when certain periods on the networks would have a cash franchise value. The prophecy has become an actuality. Fitch Shampoo, which occupies the 7:30-8 p.m. spot on the NBC-red Sunday with its "Band Wagon," if it elects to, dispose of this period to another commercial for a cash consideration of \$150,000.

The account in question, which is already on a network hookup, but in which program is scheduled between Jack Benny's and Edgar Bergen's. This account's program already has a high rating, but it figures that its mike personality could, through the Sunday night placement, increase his audience amply to make the premium payment worthwhile.

New Show Biz Trend Is Commercial Thought Trend of Some Moppets

Peggy Fears' Chiller

Hollywood, Sept. 3.
Peggy Fears has bought stage rights to "Eight O'Clock Tuesday," whodunit by Mignon Eberhard. She plans to produce it on Broadway.

JOE SCHENCK KIDS ABOUT HIS WOES

Straw hat tilted on the back of his head, Joe Schenck stepped ashore from the "TWA" liner at LaGuardia Field (N.Y.) last midweek. He looked like a man who had nothing but happy news. Actually, he told reporters, things weren't so hot. First, he was in New York to hire a new lawyer. With the Feds after him to explain a carload of items in his income tax returns, an indictment reposing in Federal court, and a trial looming if no settlement comes along, Schenck's counsel, Max D. Steuer, had died. Secondly, he was in town to talk over the advisability of raising prices on his two new pics, "Argentine Way" and "Brigham Young"—always an unpleasant matter.

When he was asked if he wanted prices raised as high as they were for "Gone," he answered that he

\$18 TOP (U.S. COIN) FOR HAVANA CONCERTS

Havana, Sept. 3.
What is believed to be the highest regular top price for any attraction anywhere, outside of special benefits, has been set for a four-night concert series here later this month. Front pews are going for \$18 each, and that's in American money. Cheapest duals are \$2.

Among those to be heard are Grace Moore, Martinelli and Carlo Morelli. Laszlo Halasz, conductor of the St. Louis Grand Opera Company (winter season), will handle the baton. Chorus and scenery are being shipped from St. Louis.

Deanna Owed \$10,000 In N. Y. Bankruptcy

Milton J. Oppenheimer, salesman, employed by Smithken & Kleinman, filed a voluntary petition of bankruptcy in N. Y. federal court Thursday (28), listing \$30,000 in liabilities and \$20,400 in assets.

Among creditors, Edna Mae (Deanna) Durbin, who is owed \$10,000. Of this amount, \$5,000 is owed on advertising contract and \$5,000 more on an endorsement of notes executed by the company of which the bankrupt was an officer. The name of this company is not given.

SELZNICK REPS BERNSTEIN

Henri Bernstein, French playwright, has turned all his American business affairs over to Myron Selznick. Selznick, currently in New York, shoves off for the Coast about Sept. 15.

Unlike the child prodigies of the past, who played and composed with naive disregard of the commercial aspects of their 'careers,' gifted moppets of the present day are apparently quite commercial show business-conscious. Couple of cases in point came to light last week at CBS.

One was David Flodin, of Washington, who addressed "Let's to 'Ellery Queen, Detective, N. Y.' Message read: 'I am only 11 years old and I play the marimba (that's a xylophone with tubes or resonators under the bars). I am now composing a piece which I call 'March of the Skeletons' or 'Spook Theme.' I have completed the first movement and have started the second.

'To get down to brass tacks, at the very end of your program there are seven or eight notes that, if I may use them, I think I would fit in very nicely. If I may those last several notes, please inform me.' Letter was turned over to Lyn Murray, conductor-composer who does the incidental music on the program. Murray replied with a straight-faced letter on CBS stationery, granting the youngster's request.

Other case is Ambert Harrington, five-year-old daughter of Clark Harrington, of the CBS copyright department. Urchin, who's been writing music since she was three, had her latest, "Put a Penny in the Old Man's Hat," given its first performance last week on Lyn Murray's "Four Clubmen" show over CBS. Song is said to have a socially-conscious theme.

Young Miss Harrington's first full-length composition dealt with the idea that Santa Claus always rewards boys and girls who are good. It was somewhat cynically titled "Praps." Kid recently penned another number, "Horses Have No Bathrooms." Her father explained to her that such tunes could not be performed over the radio, so she wrote "Put a Penny in the Old Man's Hat" as a substitute. According to Harrington, the kid does the score and lyrics entirely on her own.

L.A. to N.Y.

Basil Black.
Carroll Carroll.
Edward Chodorov.
Sam Clark.
Richard Condon.
Don Cope.
Mike Connolly.
Humphrey Doulsen.
Douglas Fairbanks, Jr.
Lyn Farnol.
Katharine Hepburn.
Hugh Herbert.
W. J. Hutchinson.
Helen Jepson.
Therese Lewis.
Ruth Matteson.
Brewster Morgan.
Lilly Pons.
Mrs. Otto Preminger.
Rosalind Russell.
Al Schneider.
Martha Scott.
Al Thomas.
Charles Vanda.

N.Y. to L.A.

Mr. and Mrs. Harry Carey.
William Gargan.
Alfred Hitchcock.
Catherine Johnson.
June Johnson.
Larry Krasner.
Harry Maitzick.
Grace Moore.
Audrey Wood.

SAILINGS

Sept. 6 (New York to Rio de Janeiro) Cinda Glenn (Uruguay).
Aug. 29 (Los Angeles to New York) Eddie Cantor (Manhattan).

'LOST' FRENCH TURN UP

March of Time's New Sound Track Switched Pro-Nazi Propaganda Pix To Anti-Nazi; Reich Embassy Beefs

Minor international tempest created last week by German Embassy charges that March of Time is using footage pirated from UFA in 'Ram-Paris We Watch' has only been stirred up further by producer Louis de Rochemont's revelation of the source of the film. Celluloid, from the feature 'Baptism of Fire', was turned over to MOT by the British government after having been seized from an Atlantic Clipper plane at Bermuda.

Reich's entire output of propaganda film is shipped to UFA in New York via the clipper. When weather and other conditions permit, the U. S.-operated flying boats skip the British contraband control station at Bermuda. Otherwise on setting down there the German film, as well as any other German contraband, is taken off. Berlin just keeps sending prints of a film until a plane gets it through.

Full title to 'Baptism,' de Rochemont declared, was transferred to MOT by the British government through its alien property custodian at Bermuda. Confirmation of the title was confirmed by Canada's Film Commissioner, John Grierson, at Ottawa, in time to permit the (Continued on page 25)

'American Way' Film May Be Hastened By New U. S. Sentiment

Prospects of filming 'The American Way' now appear better than ever, Harry Goetz declared Thursday (29) on his return from the Coast for a two-week stay at his New York headquarters. Goetz and Max Gordon, who produced the legit version of 'Way,' have a distribution deal with RKO.

Plans for filming the play were postponed last fall when the foreign situation made it appear unlikely that the high production cost, which would necessarily be entailed, could be covered. Since then Goetz has been attempting to interest public-spirited individuals and organizations to share in the production cost or sponsor exhibition of the picture because of its patriotic nature. Backers of the legit came in on the same basis, being told in advance there was little chance of getting their investment back.

Goetz has not only succeeded in drumming up considerable interest, but has been greatly aided by the patriotic fever which has been generated in the U. S. since it embarked on the preparedness program. It's felt that 'Way' might turn out profitable as a straight business venture as a result of current sentiment throughout the country.

CLIPS FROM PICKFORD'S 30 SILENTS FOR RELIEF

Hollywood, Sept. 3. Mary Pickford is donating a feature made up of excerpts from 30 of her silent pictures, to be released through United Artists for the benefit of the Canadian War Relief.

Picture will carry a prolog and an epilog in color by Miss Pickford. Herb Sterne and Sonny Challa are doing the editing.

CHRISTIE'S COMMERCIALS

Al Christie, veteran director, has launched a commercial picture producing enterprise under the name of Embassy Pictures in New York.

Both Warren Murray and J. C. Graham, directors, who have been with him for years, are in on Christie's new projects.

Day for Sullivan

Hollywood, Sept. 3.

Laraine Day falls heir to several stories on the Metro shelf, originally bought for Margaret Sullivan when she was a star on the Culver City lot.

Yarns are being dusted off and re-written for Miss Day, who recently returned from a personal appearance with Walter Wagner's 'Foreign Correspondent' in New York. She's featured in the film.

REPORT G-MEN PROBING UFA'S ACTIVITIES

Disclosure that a number of government agencies, including the Federal Bureau of Investigation and representatives of the Dies committee, are investigating activities of UFA in collaboration with the Non-Sectarian Anti-Nazi League, was made by a spokesman for the latter organization last week. He declared that sufficient evidence of illegal activity has been discovered to force the curbing in a couple weeks of UFA as a major distributor of Nazi propaganda in the United States.

UFA is the American agency for handling film made by UFA of Germany, Tobis and other Reich producers, all of whom are subject to Hitler control and turn out films of varying degrees of propaganda. It is shipped to a dozen theatres throughout the United States, seven in the metropolitan New York area, which play nothing but German pictures. UFA, with offices in Radio City, N. Y., is incorporated in New York State. It was forced to register with the State Department in (Continued on page 21)

Rooney's 150G Yearly Bonuses Into Trust Fund; Weekly Pay 1G

Hollywood, Sept. 3. New contract between Mickey Rooney and Metro calls for \$1,000 weekly during the first year and a graduated option up to \$3,000 for the seventh year, plus bonuses of \$25,000 per picture. The pact was legally affirmed by the superior court and involves both Metro and Loew's, Inc.

Minimum bonus guarantee is \$50,000 a year above Mickey's regular salary. If he makes more than two pictures a year, each job calls for an extra \$25,000. At his current rate, Rooney will pull down about \$150,000 per annum aside from his weekly pay envelope.

Under the court ruling, the \$25,000-per-picture bonus goes into a trust fund to be preserved until he reaches the age of 35, after which his mother draws one-third and Mickey gets the residue.

Mamoulian's 'Rio'

Hollywood, Sept. 3.

First assignment for Rouben Mamoulian under his term contract with 20th-Fox will be 'They Met in Rio,' new title for 'Latin from Manhattan.' He recently finished 'The Californian.'

Cesar Romero gets the leading role in 'Rio,' which is tabbed a yarn about American showgirls touring South America.

SHOWFOLK AWAIT SIGNAL TO WORK

Many of the Theatrical Prominents Accounted For in Unoccupied France

SEVERAL EVACUEES

(The writer, VARIETY's correspondent in Paris until the French capital's capture by the Nazis, describes in the foregoing, from his present station in Madrid, the effects of the huge Paris exodus upon French show business personalities.)

By JOSEPH D. RAVOTTO

Madrid, Aug. 22.

For the most part, it was impossible during the weeks following the German triumph to know where those connected with French show biz had sought refuge. Some were seen in Tours and Bordeaux before the Armistice, only to disappear once the German troops occupied these cities. Some were known to have crossed into Spain enroute to the United States. Others were somewhere in France with the broken and crushed French army, with still others falling into German hands as prisoners. Many simply remained behind in their homes despite the German advance.

Some anticipated the German entry into Paris by some weeks, like Irvin Marks, the American who returned to New York after 15 years' residence in the French capital. Others, like playwrights Henri Bernstein and Louis Verneuil; screen and stage actors Victor Francen, Louis Jouvet and Madeleine Ozeray, (Continued on page 23)

Unemployment Aid More Profitable To Actor Than Pic Job

A legit actor who doesn't care to let it be known that he is 66 had a one-date quickie picture job last week that cost him much more than he was paid for the camera appearance. He got \$25 from the Astoria, L. I. studio, but the way he figured it he lost \$41.25. He laughs it off in the telling and justifies himself by explaining that taking the film bit, that of an historical character, he proved to the director that he is the only guy who can play that particular part.

His bookkeeping starts off with a deduction of \$25.00, which the agent's commission. Because he took the job he will not receive \$44, which is his monthly pension from the Federal social security fund. He also had to forego the \$15 State unemployment dole. An expense was the payment of \$4.50 to get into good standing with the Screen Actors Guild, necessary before he could take the picture job, and the total on the debit side thus was \$66.25, the additional 25c being the deduction for social security. Credit of \$25 therefore left him in the red for \$41.25.

'COFFEE BEAN CONGA,' SALUTE TO S. AMERICA

Woody Herman band will broadcast a special dance program via shortwave to South America tonight (Wednesday) from the Hotel New Yorker, N. Y. Pickup, which will be beamed southward by CBS, is in deference to the Pan-American Coffee Growers Assn., in convention at the hotel.

An original jive tune has been dreamed up by Joe Bishop, of the band, and Don Ray, songwriter, for the broadcast, titled 'Coffee Bean Conga.'

Dies Claims 'Undisputable' Proof That TAC is Red; Absolves Tone, Rainer, Lederer Following Quiz

Trenet 'Nazi Victim'

Grapevine report is that Charles Trenet, French cafe singer and songwriter, is a victim of the Nazi invasion.

Already known to a certain strata in America via his Columbia disks, the William Morris agency was all set to bring him to America when war set in. The 23-year-old entertainer was touted 'And in France.'

Upon his visit to New York early last week, Congressman Martin Dies, head of the committee investigating un-Americanism, declared that he has 'undisputable' evidence that the Theatre Arts Committee has a direct connection with Moscow. It is in the form of photostatic material. TAC has been charged with being a 'Communist front' organization, which it has denied.

Dies interviewed several film players in his suite at the Waldorf-Astoria and three were cleared of charges that they were members of the Communist party, although so identified by a Los Angeles grand jury. Those who appeared voluntarily and were exonerated were Franchot Tone, Luis Rainer and Francis Lederer. His opinion regarding Lionel Stander, also named on the Coast, was withheld. None of the legiters named in the Lambertson charges appeared and all previously had denied Red affiliation. Understood that Dies thought that Tone, Rainer and Lederer had contributed to certain organizations without knowledge that the groups were radical.

Bert Lyell, president of Equity, also had a session with Dies. He stated his purpose was not to de- (Continued on page 21)

GRACIE FIELDS MAY ALSO GO TO AUSSIE

Detroit, Sept. 3.

With three bands in her 'guard of honor,' Gracie Fields broke all attendance records for Windsor, Ont., on her current tour of Canada. More than 6,000 persons jammed the Windsor Arena, largest crowd in its history, at \$1.10 for the lowest admission. Proceeds of the benefit, held in threatening weather, goes to the Canadian Navy League.

It gives some idea of the pickings the British star—who more than 20 years ago was honored by the late King George V for her work in keeping up the morale of the fighting forces in the World War—will glean on the benefit tour which takes her into 31 towns and cities of the Dominion.

Miss Fields, who quipped about weather being 'homelike,' got a turnout of all Windsor's martial force, including those three bands from the Windsor Sea Cadets, the Essex Tank Regiment and the Second Battalion, Essex Scottish.

The tour, on which she is accompanied by Harry Parr Davies, songwriter, will take her across Canada from Victoria to Halifax. With the money pouring in at her benefits she may carry it a little farther into the Empire with a junket across the Pacific to Australia.

British Gov't Would OK Niven's Film for Howard As Worthy Propaganda

London, Sept. 3.

Leslie Howard is cabling Samuel Goldwyn to ask release of David Niven to co-star with him in one picture, 'Pimpernel Smith.' If Goldwyn releases Niven from contract stipulation that he can work for no other producer, it is understood the British army command will allow the player to temporarily give up his regular duties, as the film would be good propaganda.

Leslie Howard Productions Co. has been formed to make the picture from an original story by Wolfgang Wilhelm. It will be released by Anglo-American, which is also financially interested in the production. Shooting starts in September.

Dix Accidentally Burned

Hollywood, Sept. 3.

Richard Dix sustained powder burns on his left cheek and ear when a pistol was accidentally discharged near his face during the filming of 'The Roundup' at Paramount.

Actor was rushed to a hospital for anti-tetanus injections.

LUBITSCH PIC DELAYED BY DOUGLAS' TIEUP

Hollywood, Sept. 3.

Start of Ernst Lubitsch's first production for United Artists lease is being held back until Oct. 15, although the script is ready for shooting and Merle Oberon, the femme co-star, is available at the moment.

Delay is caused by Melvyn Douglas, male topper, who is tied up with a job at Columbia.

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Exhibs Squawk at Chesterfield's (Waring) Free Shows in N.Y. Area But Cig Co. Says It Hypos Pix Biz

Exhib squawks on the free picture shows being presented by Chesterfield in more than 100 theatres in the New York area brought the response from the ciggie company's ad agency that the scheme is 'helping theatre business.' Martin H. Barrett, of the Newell-Emmett agency, who handles the shows, declared that they are introducing new patrons to the theatres.

Exhibs who weren't fortunate enough to get their houses in on the gravy train are naturally the ones doing the beefing. No action has been taken, however, by any of the exhib organizations and apparently none will be, inasmuch as many of the leaders of these groups have leased their houses to Chesterfield. In addition to a flock of indies, the Century, Randolph, Brandt and Fabian circuits are participating in the Liggett & Myers advertising scheme. Barrett makes a deal with each house to take over its screen from one to three days. Instead of regular features, theatre puts on continuous one-hour shows consisting of two shorts made for Chesterfield by March of Time's industrial division in regular MOT style. One, running 36 minutes, is a documentary called 'Tobacco Land, U.S.A.' It traces tobacco from the seed stage to cigarette. Other, running 24 minutes, is labeled 'Pleasuretime with Fred Waring.' It goes behind the scenes in Waring's broadcasts for Chesterfield.

Free Admish for the Asking. Admission to the theatre is by tickets distributed throughout its area by tobacco dealers. Each ducat is good for two persons and may be obtained merely for the asking. Advertising and exploitation is put up in the territory and also furnished the theatre.

Idea was tested in about 50 houses in North and South Carolina a couple months ago and brought to New York after the kinks were worked out. It will probably be extended throughout the country. "All attendance records have been broken wherever the Chesterfield show has played," Barrett declared, "and it has helped attendance in opposition theatres. The great crowds that turn out are put in a picture-going mood and, as the show lasts only an hour, many take in shows at other theatres in the neighborhood."

In addition, these showings have attracted patrons to the theatre who have never been inside the doors and the theatre managers have been delighted at the response to the shows and the many new patrons who become acquainted with their theatres.

Exhibs at opposition theatres say it ain't so, that their biz is damaged by the free competition. With Chesterfield increasing the number of houses, however, most of them are in hopes that maybe they'll be able to get their mouths into the feedbag and are not beefing too loudly.

Two theatres in the Times Square area have been included. Times, at 42d and 8th avenue, ran the show Friday, Saturday and Sunday (30-31-1). Pix, on 42d street is booked for Sept. 12 and 13.

Dorothy Lamour's La. Flood Benefit Shows

New Orleans, Sept. 3. Dorothy Lamour will fly here Thursday (5) to headline show for benefit of Louisiana flood refugees at Saenger theatre same night. Paramount actress offered services to Governor Sam Jones of Louisiana over long distance telephone from Hollywood, when she learned of plight of folks in her native state.

Young Men's Business club, which is sponsoring show, has planned round of fetes for her homecoming, first scene becoming film star.

Garnett Leads the Cheers

Hollywood, Sept. 3. 'Gay Garnett closed a deal to direct 'Cheers for Miss Bishop,' to be produced by Richard Rowland at General Service Studios for United Artists release.

Filming starts when Garnett washes up his current chore, 'Seven Sinners,' at Universal.

Roach Out of Blackout

Hollywood, Sept. 3. Hal Roach studio resumes production Oct. 1 with the start of 'Topper Returns,' to be directed by Roy Del Ruth.

Roland Young and Billie Burke head the cast.

Par Well-Advanced On Its 1940-41 Films Says Freeman in N. Y.

Paramount is so far advanced with its 1940-41 production schedule that the company shortly will begin lining up its program for 1941-42, Y. Frank Freeman, vice-president in charge of production, stated in a press interview last Thursday (29) before he planned for the Coast. He indicated that there are only four or five features on the 1940-41 program which are not in some stage of production work, leaving the decks clear to plan for the following season and augment its player lists.

Freeman said that plans are now shaping for 1941-42, and that likely there will be around 36 features made, as in the present season. Regarding the Buddy DeSylva two-picture deal, he said that DeSylva will go to the Coast November and probably start actual shooting on the initial picture the first of next year. It will be a Bob Hope starrer, he said.

Freeman stressed the long-range planning which Par is carrying on presently in its production setup. He pointed to the impressive group of features which the company has ready for release.

When it was cited that costs of making features are going up despite all economies, Freeman said that the additional revenue would have to come from the domestic market without venturing appraisal as to how it could be obtained. He stated that Paramount was watching experiments with boosted prices.

SANTLEY HAS AUTRY SUPER-OATER AT REP.

Hollywood, Sept. 3. Joseph Santley stays on at Republic for his second directorial chore, 'Melody Ranch,' the high-budget Gene Autry western, rolling Sept. 10 under the producership of Sol C. Siegel.

Recently Santley washed up a directorial job on the musical, 'Melody and Moonlight,' on the same lot.

Roosevelt Moves Globe Outfit to Culver City

Hollywood, Sept. 3. James Roosevelt and his Globe Productions move this week from the Samuel Goldwyn studio to the RKO-Pathe lot, formerly known as Selznick-International, in Culver City.

Globe opens offices today (Tues.) in the west end of the administration building. First picture to be filmed is 'Pot o' Gold.'

ROSTEN'S FINDINGS

Conditions Secondary to Money Element, Survey Shows

Hollywood, Sept. 3. Working conditions rather than salaries are uppermost with film actors, according to a survey recently completed by Dr. Leo C. Rosten for Motion Picture Research Project. Less than 10% of those replying to questionnaire raised issue of coin.

Chief interest split among those steadier employed is the elimination of inexperienced youngsters from studio casting offices, strict enforcement of an eight-hour day and 48 hours advance time to read scripts.

More than half of the 309 actors replying to the quiz asked for more economic security, more regular work, regard for experience, better provision for employment contracts, notice of layoff periods as vacations and more time to prepare for rehearsals and tests.

Present agency setup drew little censure with some suggesting commission be cut to 5% or prevail at 10% with agent functioning as both biz manager and press agent.

WB AND B&K PUT RKO FOR '40-41 40% AHEAD

With closing of deals last week with Warner Bros. and Balaban & Katz, RKO sales are understood to be more than 40% ahead of the same time last year. Warner covers 39 situations in 16 exchange districts, while B & K transaction involves 40 theatres in Chicago.

Despite natural tendency to shout as loudly as possible at such a significant upturn as 40%, RKO has curbed all publicity on it. This is said to be on two scores. First, because revision of the sales force last spring would cause odious comparisons between the new and old film peddling division of RKO, which prez George J. Schaefer wants to avoid and, second, with the Government consent decree negotiations in progress, it is seen as better business not to flaunt the tilt in sales.

Heading the RKO sales department since the convention in May has been Andy Smith. He filled the post left vacant by the departure of Jules Levey last year. Duties were taken the interim by Ned Depinet, v.p. in charge of distribution. Others who were either newcomers to RKO or upped at the time of the convention were Bob Mochrie, eastern division sales manager; Gus J. Schaefer, northeast division manager; Charles Boasberg, eastern central district manager; and Dave Prince, southeastern district manager.

Mohawk's Foreign Deal
Mohawk Films, which purchased product held by bankrupt Grand National and Educational, has closed a deal with Amerigo Beneficio of Variety Film Distributors, N. Y., for distribution of the pictures outside the U. S. and Canada.

Formed by B. H. Mills and Jack Berkson to take over the GN and Educ pix, Mohawk has set deals for handling of the films on a states right basis in most territories in this country.

Forging 'Weak Link'

Hollywood, Sept. 3. Ray Enright has the director assignment on 'The Weak Link,' adaptation of a Broadway stage play, at Warners.

Eddie Albert is assigned to the top role.

Accent on Biceps

Hollywood, Sept. 3. Physical ruggedness, stressing he-men, action and the great open spaces, is the dominating idea in the high-budget pictures at 20th-Fox this season. With a few musicals tossed in for contrast, the Westwood program accentuates the red corpulence. (Ed. note—A red corpulence is a tough guy in the blood stream and has nothing to do with the Dies committee.)

Beginning with 'Brigham Young,' the open-air cycle includes 'The Californian,' 'Hudson's Bay,' 'Chad Hanna,' 'Western Union,' 'Lucky Baldwin,' 'Down to the Sea in Ships,' 'Brooklyn Bridge' and 'Belle Starr.'

See Peace Between UA and Nathanson AS F.P.-Canadian Books in Product

BETWEEN AIRPORTS

Hitchcock's Confabs in Between Changing Plans

Alfred Hitchcock paid two quickie visits to New York last week for a total of about three hours, all spent at LaGuardia airport. Director stopped over en route to and from Coast for preem of 'Foreign Correspondent' in Ottawa.

He came in at noon Thursday (29), planning to Montreal and then training to Ottawa. Arrived back in New York the following afternoon, leaving an hour later for the Coast. He met Walter Wanger and Joan Bennett in Ottawa. They returned to New York this week.

Ex-Judge Manton Mess Involves Geo. Skouras On Bribery Indictment

As a repercussion of the bribery charges on which Martin T. Manton, formerly senior judge of the U. S. Court of Appeals, was convicted a year ago and for which he is now serving prison term, the Federal grand jury last Friday (30) handed out indictments for alleged irregularities in the sales of certain assets held in bankruptcy by the Fox Theatre Corp. and the William Fox Realty Co. These sales were approved by Judge Manton. Those indicted are George P. Skouras, who is charged with conspiring to bribe by having 'loaned' Judge Manton \$30,000 on Jan. 11, 1937, and Harvey B. Nevins, a real estate broker, who is alleged to have acted as go-between.

During the Manton trial, presiding Judge John C. Knox instructed John T. Cahill, U. S. attorney, to investigate Manton's activities in the Fox Theatres receivership case.

As explained to the grand jury by Matthew Correa, Cahill's assistant, the William Fox Realty Co., a subsidiary of Fox Theatres Corp., held a leasehold on the Academy of Music (N.Y.) property by contract with the Schinasi estate, owner. It is claimed that Skouras 'loan' to Judge Manton enabled him to obtain the leasehold and certain interests in the William Fox Realty Co. for the sum of \$155,000. By terms of the sale, it is alleged that stockholders in the Fox company were deprived of an asset which might have yielded a profit of \$1,500,000 over the 20-year period of the lease.

It is charged that Skouras submitted the bid to Milton C. Weisman, receiver for the Fox properties, and that Manton approved the transfer.

Indictments also were handed to Judge Francis C. Gaffey against the Skouras Theatres Corp. and the Kluma Corp., of which Skouras Theatres Corp. is half owner. George Skouras is a brother of Spyros and Charles Skouras, both of whom are operators of extensive theatre properties, the former as president of National Theatres, Inc. and the latter as head of Fox-West Coast Theatres. Neither they nor any of their theatre interests is involved in the transactions concerning the 'Academy of Music.'

Both defendants pleaded not guilty to the indictments and were held for trial in bail of \$2,500 each.

'BOLIVAR' AS SPANISHER

Hollywood, Sept. 3. Fortunio Bonanova, currently acting in the Orson Welles picture, 'Citizen Kane,' at RKO, 'about to produce a Spanish-language feature based on the career of Simon Bolivar.'

The picture will be filmed entirely in Mexico. Meanwhile, Metro and Warners are rushing to the line with English versions of Bolivar's biog.

Montreal, Sept. 3.

With 'Foreign Correspondent' (UA) booked into Loew's here, reports current for some time past are substantiated that Famous Players Canadian Corp., Nathanson chain including some 600 houses, has taken back United Artists franchise through Canada after lapse of about three years.

In some cases where UA had tie-ups with indie exhibs, arrangements have been made to give former franchise-holders part of the production.

In Montreal, with F.P.-Can. operating all the first runs except one through Consolidated (Hirsch), Orpheum (Joe Lightstone) will be given 10 of about 25 United Artists films scheduled for coming season.

Understood, however, that Famous Players will have first choice of UA product so that Charlie Chaplin's 'The Dictator' and Korda's 'Thief of Bagdad' among others will most likely go to the F.P. houses.

Independent first run here, Orpheum, is reportedly getting some WB product also though F.P. will continue to get first choice of WB pictures.

Deal between Famous Players and United Artists marks the end of an experiment which was costly to both outfits. F.P. (Consolidated Theatres) had the UA franchise until about three years ago when N. L. Nathanson balked at 40% rental for UA pictures. United Artists then started to book away from the Famous Players chain, going into independent houses.

With Nathanson controlling virtually all the de luxers, with their enormously greater seating capacity, trade circles here contend that some business was lost through spotting the films in smaller houses. Considerable number of United Artists films, it is claimed, could have stayed three or four weeks at the larger theatres and turned in greater revenue for both distribs and UA. Famous Players obviously lost considerable revenue also during past few years with strong UA product going into opposition houses.

Comparatively recent deal whereby F.P. bought into United Amusement and Confederation Theatres, the dominant name chains locally, and pooling arrangements in other parts of Canada, apparently made arrangement between UA and F.P. imperative since sale of United Artists' product was thereby strictly limited.

LUDWIG BACK INTO NW THEATRE FIELD

Minneapolis, Sept. 3. L. J. Ludwig, former Minnesota Amus. Co. (Par) co-head, who resigned to open a screen advertising agency here, is reentering the theatre field. He has acquired the State, Jamestown, N. D., from Bennie Berger and will operate it with Par as a partner.

He also will continue with the screen advertising business.

Charges U Snooped On His 'Private Affairs'

Hollywood, Sept. 3. 'Private Affairs,' University picture released last July, is the subject of a title priority claim filed by Gilbert J. Heyfron, attorney and former film producer. Heyfron claims that he and Renaud Hoffman produced a picture of that name in 1925 and released it through Producers Distribution Corp. Universal turned the protest over to its legal staff for study.

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EXHIBS' D.C. BEEF ON DECREE

STILL NO SOLUTION

Time does not seem to press heavily on the legal profession and for that reason it might be just as well that Thurman Arnold, head of the anti-trust division of the Department of Justice, shall take his time about finally approving the terms of the consent decree ending the film anti-trust suit against Loew's, Paramount, Warner Bros., RKO and 20th-Fox.

The suit was filed more than two years ago; the consent decree discussions have extended over a three-month period. Now, that a basis of settlement has been reached between the government and the five theatre-owning defendants, strong opposition to its terms and conditions is developing, not within the producer-distributor ranks, but among independent theatre owners and operators.

The independent theatre man and his complaints to the Government against alleged monopolistic practices of the major film companies were the cause for the suit in the beginning. Now it is the complaining witnesses, instead of the alleged violators, who are protesting against the verdict. A consent decree is an assent of violations and a promise to refrain in the future. Exhibitors are contending that the Government, in its determination to stamp out blockbooking and blind selling, and in its eagerness to set up industry arbitration over such matters as over-buying and clearance, has erred on the side of too stringent relief.

Arnold and his Government attorneys were pointed to a course of creating a good deal of industry dissatisfaction once they agreed to draft a consent decree which would serve also as a trade practice code. In attempting to satisfy everyone, they have satisfied no one, including most of the Government staff that had worked for more than three years digging into the facts of alleged monopoly.

With so much time already consumed by the suit, little would be lost on either side if Arnold would weigh thoroughly the complaints against the decree.

The proposed new selling schemes of previewing films before offering them for exhibition license, and limiting their sales to groups of five, is an experiment that is not sustained by any previous industry experience.

There is a tendency to push through the consent decree on the theory that it is binding only for a three-year period, if the Government at the end of that time desires to proceed with the trial.

A century of events may happen in the next three years.

Right now is a good time to plug up the bad holes in the consent decree.

Cohn's Columbia Salaries Will Be Voted on Sept. 18

Columbia Pictures financial officials last week clarified how the proposed profit-sharing arrangement for Harry Cohn and Jack Cohn will work out if approved at the annual meeting of stockholders, Sept. 18. Increases in salary would be dependent entirely on substantial net profits shown by the corporation, it was claimed.

The new pacts to be voted on by shareholders, provide that: Harry Cohn may have his old salary (prior to October, 1939) of \$3,500 per week restored and Jack Cohn's to his previous peak of \$2,500 weekly—all out of the profit-sharing arrangement of 12% for Harry Cohn and 6% for the latter, computed after payment of the preferred divvy. If profits warrant disbursements creating such salaries, there will be approximately \$1.18 per share left for common stockholders after paying the preferred dividend.

Company officials claimed that salaries of \$2,500 for Harry Cohn, \$1,500 for Jack Cohn are virtually the stipends they have been receiving during the past year after giving effect to the voluntary cut of 33 1/3% of 1939.

SCHINE AND U. DENY ANTI-TRUST CHARGES

Gloversville, N. Y., Sept. 3. Schine Chain Theatres, Inc., of Gloversville, and Universal, filed answers in Federal court at Buffalo Friday (30) denying Government charges they violated the Sherman anti-trust act. The five-state Schine chain, which the U. S. states in its complaint consists of six operating companies, denied that it was engaged in interstate commerce, or that it in any way attempted to coerce independent theatre owners into an effort to obtain a monopoly in connection with the distribution of first class films.

Universal also denied charges it gave the Schine chain preference of films over other picture houses. The Government is seeking an injunction prohibiting the Schine chain from obtaining more houses, and is asking the Federal court to rearrange the Schine organization into smaller companies.

The Schine circuit operates nearly 200 theatres in New York, Ohio, Kentucky, Delaware and Maryland.

Haight to Metro

Hollywood, Sept. 3. George Haight shifts from RKO to Metro producer Oct. 1 following his return from a New York vacation. His last job at RKO, where he had worked for two years, was 'Lucky Partners.'

Haight was with Samuel Goldwyn before moving to RKO.

ARNOLD HEARING ALL DISSENTERS

Justice Dept. Trust-Buster Reviews Squawks in Washington—Exhib Leaders Dissatisfied With 'Blocks of Five' Under Proposed Consent

BIG TURNOUT

By JOHN C. FLINN

Washington, Sept. 3. Exhibitor leaders from all sections of the country appeared today (Tues.) before Thurman V. Arnold, chief of the anti-trust division of the Department of Justice and registered their emphatic objections to the proposed consent decree which Government attorneys and major film company lawyers have drafted as a wind-up of the Government's film anti-trust suit.

The conviction maintained here, that the anti-monopoly suit was a favor to the operators of motion picture theatres, was completely dispelled in the course of eight hours of debate over the terms of the consent decree, during which there was almost unanimous exhibitor objection voiced against the five-picture sales package, as opposed to blockbooking, with liberal cancellation clause up to 25%.

Seating capacity of Arnold's office was taxed to the limit when he opened the doors this morning to the objectors to the consent decree, most of whom had come from distant cities to voice complaint. It was apparent that no progress could be made by a town meeting process, so objectors were divided into their particular trade groups, and Arnold took them on one at a time.

Indies, MPTOA, et al.

He started with Harry Brandt and a committee of independent Manhattan theatre owners, followed by Ed Kuyken and the MPTOA executive committee, consisting of Fred Wehrenberg, Max Cohen and Judge Walker of Texas. Later in the day Abram Myers of the Allied States group put in his objections. Individual arguments against the sales provisions of the decree were made also by Robert Wilby (C. Kinney) representing Paramount southeastern theatre partners, Robert White, of the Pacific Coast Conference of Independent Theatres; and Mrs. W. T. Bannerman, representing hefty group of public organizations, including the National Committee for Legislation to Abolish Blockbooking and Blind Selling.

Arnold's procedure is to hear all objectors to the proposed decree and after conference with his own assistants he will decide whether to recommend acceptance of the decree by the attorney-general. In any event, Arnold told dissenting exhibitors, he will encourage any who disagree with the provisions of the decree to appear before Judge Henry W. Goddard (in N. Y.) and give the court the benefit of advice before the order finally is signed.

Through spokesmen for national and state exhibitor organizations, the Department of Justice is learning today that the role of pacifier of trade disputes in the motion picture industry is a most unhappy one. From all sections of the country, with only slight differences of expressed dissatisfaction and dissent, independent theatre operators are voicing their disapproval of the contemplated settlement by consent decree against the Government anti-trust suit against the major film companies.

For nearly three months attorneys for the anti-trust division and counsel for the picture concerns have been negotiating a settlement of the action, which was filed in New York in June, 1938. Trial of the suit actually started and continued for three days, when, on petition of the litigants that they were agreed to a basis of settlement, court adjourned until fall. Government and the de-

(Continued on page 34)

Distributors Point to Quality Array Of Current and Due Pix to Refute 'There Are Insufficient Good Films'

Not Personal

Hollywood, Sept. 3.

Sam Goldwyn's antagonism to double-features doesn't apply on home grounds. Other night he had friends over to his house where he had projected 'Boys From Syracuse' and 'When Daltons Rode.'

Running time, 2 hours and 34 minutes.

FRANK WALKER 2D FILM MAN ASP G.

Frank C. Walker, a leading executive in motion picture affairs for the past decade, will succeed James A. Farley in the office of Postmaster General. President Roosevelt on Sunday (1) announced his intention of sending Walker's name to the Senate for ratification.

One of the earliest and most active supporters of the nomination drive in behalf of President Roosevelt, Walker has refused appointment to high Government posts repeatedly, although he did serve as close advisor to the President in 1933-34, as chairman of the National Emergency Council. During the 1932 campaign he was treasurer of the Democratic party.

Through his important connection as head of the Comerford circuit of theatres, rather than because of his political connections, Walker has been highly regarded in the film industry. He succeeded to the presidency of the theatre circuit several years ago upon the death of M. E. Comerford, his uncle. Previously he had been general counsel.

He was born in Plymouth, Pa., but was raised in the far west. He was graduated from Gonzaga University, Spokane, and from Notre Dame University. After serving as district attorney in Butte, and in law practice there, he came east in 1924.

Walker has been prominently identified with various industry charity drives, usually serving as treasurer. He was mentioned frequently as the possible successor to Farley as chairman of the National Democratic Committee.

He is the second film man to hold office of Postmaster-General. Will H. Hays stepped from that post in 1922 to become president of the Motion Picture Producers and Distributors of America, Inc.

Lois Andrews Replaced In George Jessel Unit

Los Angeles, Sept. 3.

With Jean Gary, formerly of the dance team of Gary and Dixon, replacing Lois Andrews (Mrs. Jessel), the George Jessel unit trained last night for St. Louis, where it opens a personal appearance tour Friday (6) at the Missouri theatre.

Others in the Jessel unit include Isabel Jewell, Jean Parker, Lya Lys and Rochelle Hudson.

Fact-Digging Femmes

Hollywood, Sept. 3.

New fact-finding outfit, Research Unit, Inc., has been organized by three gals: Diana Marsh, Bernice Benner and Nan Burroughs, formerly with the Walt Disney studios. Company specializes in material, historical and modern, for film stories.

That there is insufficient number of good films—the principal reason given—VARIETY's recent nationwide poll posing the question, 'Why don't you go to the movies?'—is refuted by distribution execs with lists of films recently released or to be released. They maintain that the American public scarcely realizes how many really good pictures Hollywood turns out—and doesn't always support those on which most effort has been expended to appeal to particular tastes.

Careful scrutiny of booking charts by one distrib head revealed approximately 100 pictures of acknowledged value in various categories released over a six-month period. 'That means,' he declared, 'that there are approximately four good pictures a week turned out. Allowing for the fact that not everyone likes the same type of film, there is without a doubt an average of at least one picture a week to suit anyone's taste. Of course, these preferred films are occasionally bunched, leaving periods when there is nothing you particularly like, but that is unavoidable in view of variance of taste.'

'During the period VARIETY was running its poll,' another salesman pointed out, 'there were two films on Broadway with enough strength to run four weeks, and a number of others which played two weeks or more. It takes a high-class film to do that. I don't understand why potential audiences should complain about a lack of good pictures—although they've been doing it since nickelodeon days—in the face of what we are offering.'

4-Weekers on B'way

Pictures referred to are 'Pride and Prejudice,' which is concluding its fourth session at the Radio City Music Hall this week with a total gross in excess of \$375,000, and 'Sea Hawk' at the Strand. Latter film has given the house four of the best summer weeks under its present policy, although the draw of Phil Spitalny, the all-girl band on the stage is not to be discounted. Other celluloid strength was being shown on Broadway at the same time by 'I Love You Again' at the Capitol, 'Great McGinty' at the (Continued on page 21).

20TH PUSHES TO BIG 'DECREE' BACKLOG

Hollywood, Sept. 3.

Plan to stabilize production and eliminate extreme highs and lows is being mulled here by 20th-Fox home office execs, headed by Sidney R. Kent, Joseph M. Schenck and Herman Wobber. Result will be a production drive to pile up a substantial backlog of pictures to meet new selling conditions expected under consent decree terms. Understood several high-budget films are being readied for an early start.

Last spring the studio adopted a program calling for six pictures in active work at all times, but the schedule was disrupted by a shortage of top names and delays in story preparation.

Blumberg Easies

Hollywood, Sept. 3.

Nate Blumberg ends a three-month stay at Universal studio and heads east over the weekend. Matly Fox, east for a similar period, is due back next week.

RCA's Nine Different Sound Tracks To Record Disney's 'Fantasia'

System being used by Walt Disney for recording the music in 'Fantasia,' his forthcoming feature, employs nine separate soundtracks. Both the pen-and-ink outfit and RCA, which developed the recording method in collaboration with Disney's engineers, have been observing scrupulous secrecy on the system, pending release of the picture.

Bevy of soundtracks runs down the side of the film in similar manner to the ordinary single-track system. However, it is understood, this makes the film wider than the usual 35 mm., which is one of the reasons why special projection equipment is needed. Theatres will have to be shuttered about a week prior to the 'Fantasia' engagement for installation of the projector and amplifiers. Disney is having 12 of the systems built, which will limit to that number—for the present, at least—the theatres in which 'Fantasia' can simultaneously play.

The nine soundtracks, it is said, give unique fidelity to the tones of the Philadelphia Orchestra, which recorded the music for the cartoon feature. Each choir of the orchestra—such as woodwinds, brass, tympani, etc.—was recorded on a separate track. Maestro Leopold Stokowski then took these and synchronized them as he wished. He was, for instance, able to make the quality of a single fiddle 10 times as loud as the whole brass section, or an isolated flute top the entire 100-piece orchestra, playing at full strength.

Bell Labs' Process

Development of the Disney sound is the center of a feud between RCA and the Bell Laboratories (which includes Western Electric). Bell has a system employing three separate soundtracks that was demonstrated at Carnegie Hall, N. Y., during the past winter. Critics and the trade remarked not only on its great fidelity, but also on the volume, which virtually knocked the listeners out of their seats. RCA's system is said to even surpass that of Bell.

Another innovation in 'Fantasia' will be general use of a newly-developed oil paint, giving the artists entirely new fields and removing limitations of coloring used in the past. In addition it will have one live player—Deems Taylor—who will never actually be seen. Only his shadow will appear on the screen.

There is no running plot through the feature. Instead, eight separate musical compositions recorded by the Philby Orch will be cartooned in the manner Disney visualizes the story told by the composer in each of the various sections. It will be Taylor's shadow and commentary in the intermissions.

Disney slack department, which has been running in low gear, is expected to shift into high on 'Fantasia' with return to the Coast this week of Richard E. Condon, publicity head. He's been west about a month concluding with Disney and other execs on the campaign for the highly unusual film, which, it is expected, will be released about mid-November. Original plan to release no publicity, still prior to the present is being scrapped, it is understood.

B. & K. KAYOES TRIPLES FOR DUALING IN CHI

Chicago, Sept. 3.

After building up steadily to double features and triples, the breaking point has at last been reached and there is a trend in the opposite direction with Balaban & Katz suddenly deciding to eliminate its triple policy at the northside Belmont and return to the relatively conservative twin-bill policy. B. & K. will revert to doubles in the Belmont on Sept. 13.

John Balaban has taken personal cognizance of the situation and in closing the triples out of his theatres insists that tripling was forced upon his circuit by competitive theatres.

The competitive houses, on their side, insist that they were obliged to use triples to offset the highly protected double features used by the prior run B. & K. houses.

Slant-Eyed Sleuth

Hollywood, Sept. 3.

Keye Luke starts his Oriental sleuthing Sept. 9 in a series of four features to be produced by Paul Malvern for Monogram release.

Currently Luke is working at Universal in 'The Green Hornet Strikes Again.'

War Enlistment Brings Back Gal Ushers to M'w'kee

Milwaukee, Sept. 3.

It had to come, of course, but few expected it would be this early that the rush of young men to army, navy and aviation service would bring back usherettes to the theatre. It's happening here, with the Fox Palace the first house to establish what was the common practice in the first World War days. In spite of this town's large population of foreign extraction, maybe because of it, there has been such an unlooked for early rush of voluntary enlistments (they're not waiting for the draft) that usher service has been seriously handicapped. Heretofore long waiting lists of applicants have dwindled down to nothing; in fact, young man power is already scarce.

Fox execs started recruiting of the femme help this past week and are building up a reserve they may draw upon for their various houses as needed. All gals must conform strictly to specifications, must all be at least high school graduates, all 18 years or over in age, all 5 feet 6 inches in height, all 120 pounds weight. Uniformity is required, not for regimentation, but to facilitate making and fitting of uniforms. Lookers, of course, will get a break, but this is not advertised as an essential requirement.

What boys remain at the Palace when the usherettes take over a couple of weeks hence will be transferred to other houses, so none will lose jobs on account of the switch, and the same policy will be followed out as it becomes necessary for other houses in the big chain to make the change to femme help.

WB's 'Flowing Gold' Beats M-G 'Boom Town' to B'way

Last-minute switch took Warner Bros. 'Flowing Gold' out of the Strand, N. Y., where it had been advertised for the past two weeks, and deposited it at the indie Globe. It was billed to follow 'Sea Hawk' into the Strand this Friday (6), but opened at the Brandt house instead on Saturday (31).

'No Time for Comedy,' also a WB pic, is going into the company's Broadway flagship in place of 'Gold.' Reason for the change, it is understood, was that Metro's 'Boom Town' is set to open at the opposition Capitol tomorrow (Thursday). Both 'Boom Town' and 'Flowing Gold' deal with oil, and it was felt by the WB management that 'Gold,' with John Garfield, Pat O'Brien and Frances Farmer, could hardly compete against 'Boom Town's' quintet of top names—Clark Gable, Spencer Tracy, Claudette Colbert, Hedy Lamarr and Frank Morgan.

'No Time for Comedy' will give the Strand Rosalind Russell, James Stewart, Charley Ruggles and Genevieve Tobin in a former successful Broadway legitter.

Jupiter Kicks Off

Hollywood, Sept. 3.

Jupiter Films, Inc., new outfit headed by Irving Applebaum, starts its first picture, '30 Boys and a Girl,' at the Talisman studio this week for Monogram release.

Applebaum produces and directs the film, which features St. Brendan's Choir.

306 Sues 2 B'klyn Houses For Reinstatement of Ops

Joseph D. Basson, as president of Local 306 of the IATSE, together with Abraham Sluder, Renold Morreale, Ernest Morreale, Morris Holzman, Frank A. Fertitta and John Timmerman, filed a N. Y. supreme court suit yesterday (Tues.) for breach of contract against N. & R. Theatres, Inc., Louis Nelson, Irving Renner, Parkshire Ridge Amuse, Corp., Samuel and Solomon Straussberg, Williamsburg Photoplays Corp., Photo Amus, Corp., Metsum Amus, Corp. and Frank and Fay Gelber.

The plaintiffs claim that the defendants are all members of the ITOA, which on Jan. 30, 1937, signed a contract with 306 guaranteeing to employ only 306 men. In case an owner disposed of his theatre, he was to make sure the future owner carried out the contract. It is claimed that two theatres, the Metro and Sun, both in Brooklyn, were disposed by some of the defendants and acquired by others, and that 306 men who were employed at the theatres were let out.

An injunction against the employment of any but 306 men, damages, and the salaries of the discharged men from June 22, 1940, when they were let out, as well as their reinstatement, is sought.

Only Hope to Save Pix Biz Lies With Exhibs, Says Spyros Skouras

Los Angeles, Sept. 3.

Picture industry faces a crisis that only exhibition can stave off, Spyros Skouras, president of National Theatres, told the annual Fox-West Coast managerial convention here. Skouras, here from New York to launch the fifth annual National Theatres business drive, said that conditions, if permitted to continue, would paralyze the industry, but that proper approach to exhibition problems during the next six months could prevent such a collapse.

National Theatres' prexy called upon the entire exhibition world to enlist for preparedness, holding that the future of motion pictures, particularly exhibition, must be made more secure, and every possible step taken to prevent a total collapse. A few of the schemes suggested by Skouras were higher admissions and extended playing time for all worthwhile pictures. The public, he stressed, would lend its aid in such a movement.

'We, as exhibitors, have an outstanding responsibility,' Skouras told the N-WC managers. 'We must make our theatres 100% for national defense. They are American institutions, intended for an American industry. From now on every person within the industry must play his part.'

'We cannot live on past laurels. We must prepare ourselves to meet any crisis. Admissions must go up and we must give meritorious pictures every possible day of playing time. This is the only way we can escape destruction.'

'Let us have an American background. This business belongs to us; let us keep up to the times so as not to be thrown out of it.'

Skouras painted a rosy picture of the National Theatres financial structure, stating that company has a \$6,000,000 cash balance, placing it in a most advantageous position to carry on its work during the ensuing year.

Fifth National Theatres drive continues through Dec. 28. Competing divisions will again be Milwaukee, Kansas City, Denver, Seattle, San Francisco and Los Angeles.

1st Degree Indictments

For Mgr.'s Murderers

South Bend, Ind., Sept. 3.

First degree murder indictments were filed last week in St. Joseph Circuit Court against Richard Klotz, 21, Niles, Mich., and Mervin Cagle, 24, Palmyra, Ill., held in connection with the hitch-hike robbery-slaying of Walter Ebeling, 31-year-old manager of the Garden in Yorkville section of New York City. The indictments, each containing two counts, were returned by a special session of the grand jury.

The youths are liable to the death penalty if found guilty on either count. Prosecutor Arthur F. Scheer said he would ask the extreme sentence.

Kaimann Beefs to Warners That Film Nabe in St. Louis Violates His Deal

Garie, O'Neil Set

Hollywood, Sept. 3.

Sigrid Gurie and Barbara O'Neil get lead roles in 'Streets of Cairo' which starts at Universal this week-end.

Joseph G. Sanford is producing the mystery meller with Leslie Kardos directing.

New N.Y. Newsreel Theatre to Debut Soon; Other Bldg.

New York's latest newsreel operation, the Airlines News theatre, is being pushed to completion so rapidly that opening date has been tentatively set for Sept. 26. Theatre is housed in the new Airlines Terminal building on East 42d street opposite Grand Central R. R. terminal. House will be operated by the same group which runs the Grand Central Newsreel theatre. David Dubin, manager of G. C., will be managing director for both theatres.

Airlines News theatre will have 528 seats and same scale as the G. C. Newsreel.

Hellman's Drive-In

Albany, N. Y., Sept. 3.

Albany area will have its second drive-in theatre when Harry Hellman and his son, Neil, open one next spring on Albany-Saratoga road north of Latham (about five miles from Albany and within easy reach of Troy and Schenectady). They have taken a long-term lease on 10 acres of ground. Neil Hellman will manage. Space will be provided for 800 automobiles, spot ready for operation April 1.

The Hellmans now run the Paramount and Royal, Albany, and the Palace, Troy, all subsequent runs.

New House in Virginia

Lynchburg, Sept. 3.

Hunter Perry, president of Dominion Theatres, has announced work to start with 30 days on 600-seater in Hilton Village, suburban section of Newport News, Va.

Plans for the modernistic house are nearing completion and bids will be taken within a few days.

L. & J. Open Another

Atlanta, Sept. 3.

Lucas & Jenkins, Inc., Friday (Aug. 30) unveiled its de luxe Gordon with appropriate dedication ceremonies participated in by prominent West End dignitaries in which this 1,200-seater is located. Talks were also made by Arthur Lucas, prez of L&J; William K. Jenkins, outfit's secretary-treasurer, and Ray Jett, L&J's nabe city mgr.

Gordon is first of group of new nabe houses to be opened in Atlanta suburbs by L&J, who own and operate some 50 houses throughout Georgia. They have under construction at present 1,000-seat Euclid; on Euclid avenue, Little Five Points sector; 850-seat Dearborn, on East Lake drive, and State, 500-seater on Capitol avenue.

In addition, L&J is remodeling its DeKalb, in Decatur, boosting seating capacity from 500 to 850 seats. While DeKalb is being rebuilt, L&J is serving its patrons in Decatur City Aud.

Studio Contracts

Hollywood, Sept. 3.

Hugh Harman drew a renewal as cartoon producer at Metro.

Universal handed Shemp Howard a player ticket.

20th-Fox picked up Robert Sterling's actor option.

Ralph Spence inked a writer deal at Metro.

Roger Moore's player option hoisted by Metro.

RKO signed James Ellison to one-year contract.

St. Louis, Sept. 3.

Charging that Warner Bros. violated its contract by permitting the screening of films in the Rio, a St. Louis Amusement Co. (Fanchon & Marco) de luxe nabe, before they were available for his chain in the same part of town, Clarence H. Kaimann, vet exhib, has notified Gradwell L. Sears, general sales manager, that he has cancelled bookings for his entire circuit of those pix that are allowed to play at the Rio not in strict compliance with his contract.

Kaimann's registered letter to Sears states, 'Having contracts with your company, we would like to be informed just what we can expect from you regarding the fulfilling of the contractual obligations. For your becoming better acquainted with the question, a brief history follows: For many years, our relations with your company have been very happy, and I hope you have found it to be mutual. We have had a run of films on an arrangement that has been in practice for many years, but since the erection of the Rio Theatre in our locality, the product has been furnished to them, prior to our showing under the pretext of their operating a strictly week-run de luxe policy, with the same established admission prices and date of availability as in effect in the other seven de luxe houses of the St. Louis Amusement Co.; however, the Rio abandoned this policy quite some time ago, charging a lesser admission and playing pictures without regard to availability.'

Koplar's House.

The Rio was built by Nat Koplar and Dr. J. G. Frobenius and entered into a booking pact with the St. Louis Amusement Co.

Recently Kaimann merged his chain of 12 nabs located in North St. Louis with those of Fred Wehrenberg, prez of MPTOA of Eastern Missouri and Southern Illinois, in the Greater Independent Circuit for the purpose of obtaining better booking arrangements for the 25 houses. Other indie talker houses have been invited to join. Film row observers saw in the merger the girding of the indies to battle with Fanchon & Marco, which operates the Amusement Co.'s string of nabs under a contract for supremacy in the nabe field here and in St. Louis County.

Several weeks ago Wehrenberg, representing a group of indie operators, failed in an effort to curtail triple feature programs in a powwow with Harry C. Arthur, Jr., p. and gen. mgr. of F&M's interests here. Threats of a buyers' strike by the ind. were made when it became known that Arthur demanded that all giveaways be stopped immediately before he would agree to any proposal by the indies.

Kaimann received letter from Sears Saturday (31) which the WB prexy said the complaint had been sent to the St. Louis branch office for investigation and instructions to report to the New York headquarters.

NOW IT'S FREE ROOT BEER AS GIVEAWAY

Minneapolis, Sept. 2.

Free root beer is the latest theatre giveaway here. Cyril Lebdoft, Homewood manager, introduced it. Through a tieup with local manufacturer of the beverage, he was enabled to distribute a coupon good for a six-bottle carton to every person purchasing two 15c admission tickets to his theatre.

Names of dealers who will redeem coupons are flashed on screen and listed on advertising dodger.

Interstate Book Nights

Dallas, Sept. 3.

Interstate Circuit, Inc., is working a new district on sets of encyclopaedia called 'Encyclo-Nights' the sets are sold to the customers at nominal prices, one volume at a time. The stunt is being worked. 19 locations over the circuit although the Dallas houses have not been determined.

Ford's 'Rogue Male'

Hollywood, Sept. 3.

John Ford gets the directing job on 'Rogue Male,' based on the Geoffrey Household novel, at 20th-Fox.

Filming starts in January, with Kenneth Macgowan as associate producer.

SAG PROBES 'GOON SQUADS'

Over \$1,000,000 Dividends to S-I Partners; Selznick Won't Join M-G

More than \$1,000,000 was voted to the stockholders of Selznick-International last week as the first dividend resulting from the decision to dissolve the company. Part of the huge sum will be sent out in cash and the rest in Technicolor stock. Further payments will be made during the next couple of years.

Dividend, it was learned, came as pure gravy to the stockholders, who, prior to it, had already received back their entire investment, plus interest of 24% over a four-year period. Exact amount of last week's dividend has not yet been ascertained beyond the fact that it will be between \$1,000,000 and \$1,500,000, depending on certain assets available.

General impression in the industry that Selznick-International is having its first financially successful year currently, as result of the huge profits on 'Rebecca' and 'Gone with the Wind', is false, according to an authoritative source. Company made money on 'Little Lord Fauntleroy', 'Prisoner of Zenda' and 'A Star Is Born'. In fact, each of them netted more than 'Rebecca', due to the present foreign situation. S-I got an even break out of 'Tom Sawyer' and 'Nothing Sacred', it was said, while red-inkers during the company's history were 'Intermezzo' and 'Garden of Allah'.

Not Only Whitney's Idea
Source close to David O. Selznick declared the producer resents the general impression that S-I was dissolved only because John Hay Whitney, chief backer, wanted to get out. Actually, it is said, Selznick himself felt that with the present foreign situation there was no point in going ahead and jeopardizing a successful investment. He recommended and was as much responsible as Whitney for the dissolution.

Selznick, it was said, foresaw the drop in foreign markets and planned the dissolution more than a year ago. Among other things, he prepared for it by refusing to renew his studio lease and shedding all possible commitments.

Producer, it was stated, has no plans whatsoever for joining Metro or any other company with his two-picture commitment to United Artists is filled. He has had three offers from majors to back him in production, but has given them no consideration as yet, feeling that world conditions are too uncertain to plan beyond the two UA pix, which will keep him busy until next summer, at least.

Mono Takes Extra Space To Offset N. Y. Influx

Hollywood, Sept. 3. Shift of Metrogram's home offices from New York to Hollywood resulted in an overflow on the Talisman lot and caused the company to take over the greater part of the office and stage space at Ralph Like's International studio.

Moving from Talisman to International to make room for the executive staffs in the east are the publicity department and Pete Friedhoff's West Coast treasury outfit. It will take about 90 days to move all departments of the home office across the country.

Republic's 'Sis Hopkins' For Judy Canova's Next

Republic has purchased screen rights to 'Sis Hopkins', 40-year-old legittier, as next vehicle for Judy Canova. It's understood studio paid about \$10,000 for the rights. Play by Carroll Fleming and Edward A. Kidder, was first produced in 1900 and was popular in stock and straw-hats for the next 30 years. At one time it was converted into a musical with the Duncan Sisters and, in 1919, Samuel Goldwyn produced a silent film version with Mabel Normand starred.

'Sis' will be included in the 'de-luxe' or high-bracket production group by Rep.

Whip and Quip

Hollywood, Sept. 3. If the chestnut filly Bing Crosby recently bought at the Saratoga sale doesn't do any better than the rest of the crooner's stable he stands to take a brisk ribbing from his pals, who occasionally buy a \$2 show ticket on his critics as a sentimental gesture.

But he's asking for it. Equine has been monickered Madame La Zonga, after the lady who gives lessons.

PAR MULLING JUKEBOX PIX PRODUCTION

Hollywood, Sept. 3. Paramount will make shorts for slot-machines if theatre partners approve. Contracts were drawn three weeks ago but signing held off until theatre reaction on competitive status of jukebox briefs.

Discussions between Neil Agnew of Par and Sam Sax and Frank Orsatti of Phonovision call for Paramount to furnish complete service through shorts department at Long Island. Around 65% of musical shorts would be remade on 16 mm. and remainder new product with music especially prepared for the juke circuit. Films would have three-minute running time.

Under tentative arrangement Paramount gets cost guarantee from films shown in Phonovision machines and out of profits. Company receives no advance for making shorts.

FIRST PAR 'SUPERMAN' SHORT READY BY XMAS

Negotiations for the production of Superman cartoon shorts were completed by Paramount last week, films to be produced by Fleischer Studios. Initial Superman short will be ready for release Christmas. Harry Donenfeld, president of Superman, Inc., and Russell Holman, head of Par's short features department, closed the deal.

Superman, bi-monthly mag, has 1,000,000 circulation. Superman is featured in the Action Comic mag, which has a circulation of 870,000. McClure syndicate services 182 big city newspapers with the cartoon strip, while the Superman radio broadcast is rated a leading airway serial.

Ford Quits Pyramid, Brandt Goes It Alone

Hollywood, Sept. 3. Split in the partnership of Pyramid Pictures resulted in the withdrawal of Charles Ford, leaving Jerry Brandt in sole control of the production company. Breakup was the result of differences over the story treatment of 'Scattergood Baines'.

Pyramid has a releasing deal with RKO calling for three 'Scattergood' features on the 1940-41 program. Ed-ward T. Lowe has been signed to direct the first of the series.

Carole-Montgomery Set

Hollywood, Sept. 3. 'Mr. and Mrs. Smith', co-starring Carole Lombard and Robert Montgomery, rolled today (Tues.) at RKO with Alfred Hitchcock directing. Gene Raymond is assigned the top supporting role.

CENTRAL CASTERS CHARGE VIOLENCE

Guild Trial Board Meets for Inquiry Into Threats Claimed by Philbrick—Radical Change in Handling Extra Jobs to Be Inaugurated

REGULATING MINORS

Hollywood, Sept. 3. A determined drive to eliminate 'goon squads' and questionable characters from the extra ranks has been launched by Central Casting-Corp. Charging that casting directors have been threatened with physical violence, general manager Howard R. Philbrick appeared before the Screen Actors Guild board of directors to urge SAG cooperation.

The Guilders at first took the position they were not concerned with outside quarrels of their members. They stated such quarrels were a matter for the police and district attorney. Later they reconsidered, decided such tactics might give certain extras an unfair advantage in the job market, and called a meeting of the SAG trial board for tomorrow (Wednesday) to investigate the Philbrick charges.

Mike Morelli, an extra who is alleged to have drawn a knife on a Central casting director, has been subpoenaed before the board. It is reported that Jack Gordon, recently acquitted on a murder charge in Brooklyn, also will be questioned.

In the meantime, asserted members of the 'goon squad' are finding it difficult to get work. They are receiving no calls through Central Casting, and are having to depend for work upon the jobs they are able to land themselves through friends in the industry.

In announcing a meeting of the SAG trial board, the directors issued the following statement:

'The Guild is not concerned officially with the private quarrels which its members may have with other persons. That is ordinarily a matter for the district attorney or the police. But the Guild is vitally concerned with an unfair distribution of picture jobs which may be occasioned by such tactics. The trial board will explore the facts of the case at its meeting Sept. 4 to find if these tactics would tend to give an unfair advantage in the job market to those practicing them.'

The producers, however, are none too well pleased with the recent publicity blubs emanating from or revolving around Central Casting Corp. since Philbrick was installed as general manager. Already doing a burn over a 20% arbitrary assessment in the cost of maintaining Central, the executives contend there has been no improvement in the service to studios. They insist that with calls 40% less than last year, the cost of maintaining Central should have gone down proportionately.

Several changes in the methods of distributing jobs will be inaugurated by Philbrick this week. It has been announced that no calls will be received from racial types in order to cut down the incoming telephone calls which now average 4,000 to 5,000 per hour. When jobs are available for the racial types, they will be called directly instead of having to call in for work. Other extras will be given certain numbers to call, and when they attempt to get through on a different board their call will be ignored.

Discuss Minor Jobs

H. C. Carrasco, State Labor Commissioner, came here to discuss methods of employment for minors in the film industry. He spent several hours going over rules with studio managers and casting directors. Enforcement of these rules will be left to deputies, but Carrasco (Continued on page 20)

Film Business Will Argue It's Not Benefiting From Armaments, and New Defense Taxes Already Overload It

Also Customers

Hollywood, Sept. 3. Metro is finally getting around to ready Dale Carnegie's tome, 'How to Win Friends and Influence People,' for the screen. Jack Jevne has been assigned to write the adaptation.

With the excess profits tax legislation, a wartime measure designed to prevent war profiteering, passed by the House Ways and Means Committee and set to come before the Senate Finance Committee this week, several picture companies and the film business as a whole

ready to offer their objections to the pending bill. Main thesis for objections by film companies will be that they will not benefit directly from the nation's armament program and that they already have been affected by the national defense tax on theatre admissions at a time when they are heavily hit by declining foreign markets. Universal already has filed formal objections, and others are to be given a chance to explain their objections before the Senate committee.

So far, the excess profits tax measure, comprises two alternative arrangements whereby the tax may be figured, but no clear picture will be obtainable until the Senate and House committees get together with their ideas.

Just now a picture company has two methods of arriving at the amount to be paid. Film outfits with small company capitalization doubtlessly will employ the capital basis for figuring. Thus the company with only \$9,500,000 invested capital, represented by common and preferred shares and fund debt, might conceivably use this plan. The arrangement calls for 7% deduction of the first \$500,000 of invested capital or \$35,000 exemption, and 6% on the next \$9,000,000, or \$540,000, making a total of \$575,000 exempted from taxation under the proposed law. This does not alter the 20.9% Federal income tax scale levy. Then if excess profits were still found, they would be taxed at scales varying from 20% to 30%.

However, there will be many film companies which prefer the four-year earnings base period method since few will show earnings materially over the average for the last four years because foreign revenue decline will hit net profit for the current and ensuing years.

With larger major companies which might show an average of \$12,000,000 per year in profit, even a net profit of \$12,500,000 for the present year would not add up too high. Because it would mean the excess profits taxation would apply only on \$500,000 and then at a graduated scale.

No matter what scale or basis for figuring an ultimate decision on film companies will lead for exemption or tempering of terms as applicable to their operations because they believe they have been saddled with enough tax load already and at a particularly bad time. Their contention is that the added tax on theatre tickets hits them and they already have to pay Federal income taxes and an undistributed profits tax.

U's 39-Week Statement Due Soon, Reported OK

Universal earnings statement for the 39 weeks ending July 29, this year, are due out within the next two weeks. Expected to show unusually favorable net profit despite heavy weekly write-off for foreign losses.

Regular monthly meeting of U board of directors, scheduled for tomorrow (Thursday), may be postponed until later in the month because so many executives presently are on the Coast and may not return in time for the scheduled meeting date. Postponed session may be timed so that earnings report will be released simultaneously with meeting.

ALLIED'S QUIZ ON PRODUCT DEALS

Cards asking information as to 1940-41 product deals were sent to exhibitors throughout the country by Allied States Association's information department in Philadelphia last week. Aim is 'to provide exhibitors with reliable information in regard to film rentals, terms and conditions in various parts of the country for use in buying films.'

Exhibits are instructed not to sign their name or identify their theatre in filling out the cards. Questions include general info about the house, such as seating capacity, admission, run, population of town, circuit or indie, type of competition, single or double feature policy and total number of pictures required per year from all companies.

Underneath that there is a listing of each company with queries as to number of features it offered, number bought, number on flat rental, number on percentage and how many at each percentage, number percentage features with guarantee, number percentage features preferred time, cancellation provisions, comparison of rentals with last year, percentage of film rental to gross receipts on last contract, number of shorts bought and if forced and whether newsreels were bought, and if forced.

OPERATORS STRIKE VS. 4 IN PROV., CRANSTON

Providence, Sept. 3. Motion picture machine operators at the Empire, Bijou, Park and Palace theatres, Providence and Cranston second run houses, struck Sunday (1) when the management and Local 223 of the IATSE failed to come to an agreement over a contract to replace one that expired Saturday (31). Shows were picketed but were doing business as usual.

Question of a new contract depended return to the operators of \$3,515 which Herbert F. Slater, business agent for the IA and m.p. operators (AFL) claims was deducted from the wages by the management since instituting a 15% cut on Feb. 4. Slater declared the cut was a violation of contract and that the union is planning to institute suit to

Wisconsin's Satisfied

Janesville, Wis., Sept. 3. 'Let well enough alone' was agreed upon as the coming season's policy at the annual convention here of the Wisconsin State Association of Stage Employees and Projectionists. Recognizing that business generally in this territory is way below normal, the theatre workers decided against any raising of wage scales or work-bus conditions, which generally will be allowed to stand 'as is.'

'Politics came in for some attention at the convention, and it was agreed to support those candidates friendly to labor and to oppose those whose activities were construed as adverse.

Clouds Help L. A.; 'Love Again' Is Sweet \$32,000, Crosby-Vaude H.O. Fine \$14,500, 'Hawk's' 2d, \$13,500

Los Angeles, Sept. 3. Partly cloudy weather over the three-day holiday, which kept many in town that would ordinarily have gone to nearby beaches, helped picture business and, while totals were not exceptionally big, most of first-runs fared okay. Paramount had the biggest Monday biz, garnering cool \$4,000 on the holiday. With weekend total around \$10,000, house looks like big \$14,500 on the week. 'Comin' Round the Mountain' was brought in Monday to augment second stanza of Rhythm on the River; for final three days of holdover week.

Loew's State and Grauman's Chinese are headed for nearly \$32,000 with 'Love You Again' and 'Pier 13'. Holdovers of 'Sea Hawk' and 'Boys From Syracuse' at the Warner day-daters and RKO and Pantages, respectively, are faring well.

Carthay Circle goes dark this week after two weeks continued first run of 'Boom Town'. Shutting attributed to no road show product available for immediate resumption under that policy.

Estimates for This Week

Carthay Circle (F-WC) (1,518; 44-55-75)—'Boom Town' (M-G) (2d wk.). Holding exceptionally strong at this regular roadshow house and second week of continued first run should bring great \$5,000. Last week, \$5,400, as expected.

Chinese (Grauman-F-WC) (2,024; 30-44-55-75)—'Love Again' (M-G) and 'Pier 13' (20th). Showing exceptional strength and neat \$14,500 in sight. Last week, \$13,000 (20th) and 'Heartbeat' (20th), fair \$8,000.

Downtown (WB) (1,800; 30-44-55)—'Sea Hawk' (WB) (2d wk.). Another healthy week in sight for the Errol Flynn opus, soloed, with around \$7,000 answer. First week, excellent \$14,000.

Four Star (UA-F-WC) (900; 30-44-55)—'Pride Prejudice' (M-G) (3d wk.). Holiday biz helped and another \$5,000 in prospect, after last week brought satisfactory \$3,000.

Hawaii (G&S) (1,100; 33-110-1,655)—'Gone' (M-G) (4th wk.). Continues to surprise by steadily increasing biz. Fourth week jumped to \$5,500 and third week passing the \$3,000 mark, an exceptional considering long runs at Carthay Circle and United Artists.

Hollywood (WB) (2,756; 30-44-55)—'Sea Hawk' (WB) (2d wk.). Running for hefty \$11,000. Holiday biz helped. First week ended with big \$13,500.

Pantazes (Par) (2,812; 30-44-55)—'Boys Syracuse' (U) (2d wk.) and 'Military Academy' (Col). Main feature continues to draw and current stanza should hit \$5,500. Last week, ended just under \$10,000.

Paramount (Par) (3,595; 30-44-55-75)—'Rhythm River' (Par) and stage show (2d wk.). Bing Crosby opus looks headed for good \$14,500 on holdover, after \$13,500. Last week reached \$23,000. Count Basie orch given credit for helping draw.

RKO (RKO) (2,872; 30-44-55)—'Boys Syracuse' (U) (2d wk.) and 'Military Academy' (Col). Definitively a clinic and holdover should hit \$7,000, after big \$9,500 on initial seven days.

State (Loew's-F-WC) (2,414; 30-44-55-75)—'Love Again' (M-G) and 'Pier 13' (20th). Holiday biz helped and excellent \$17,500 probable answer. Last week, 'Frank James' (20th) and 'Heartbeat' (20th), fair \$11,500.

United Artists (UA-F-WC) (2,100; 30-44-55)—'Frank James' (20th) and 'Manhattan Heartbeat' (20th) dual. Back to regular policy after week at advanced prices. Will be lucky to hit \$2,400 on current stanza. Last week, 'Boom Town' (20th), single billed on moverover, and at advanced tariff, excellent \$7,000.

Wilshire (F-WC) (2,296; 30-44-55)—'Frank James' (20th) and 'Manhattan Heartbeat' (20th). Just so \$3,500 after last week's 'Over the Moon' (UA) and 'Mortal Storm', sagged to \$2,200 on second moverover stanza.

U Buys 'Six Lessons' From Madame LaZonga

Hollywood, Sept. 3. Universal's policy of building screen plays around song titles continues with the purchase of 'Six Lessons' from Madame LaZonga. Picture will carry the same name as the popular ditty.

To date, Helen Parrish is the only player cast.

Broadway Grosses

Estimated Total Gross \$424,400
This Week (Based on 12 theatres)
Total Gross Same Week
Last Year \$385,100
(Based on 12 theatres)

'BOOM' HEAVY \$30,000 IN WASH.

Washington, Sept. 3.

Two smash hits in town, plus a clear sky Saturday (31) breaking up a three-week rainy spell, brought the picture business over the week-end. Capital always does well with holidays when tourists flock in. 'Boom Town' leads the town by far at the Palace, and 'Sea Hawk' in second week at Earle, is still packing 'em in.

Capitol, other big vaudeur, is fighting to break even with Shirley Temple's 'Young People'. Keith's 'Young People' (20th) and vaudeur 'Lucky Partners' and Metropolitan is following closely with first local run of 'Flowing Gold'.

Estimates for This Week

Capitol (Loew) (3,424; 28-39-44-66)—'Young People' (20th) and vaudeur Shirley Temple is no go at the Phil Regan and Betty Jane Cooper on stage helping to pull it to fair \$15,000 average. Last week, 'Golden Fleecing' (M-G) and vaude, poor \$14,000.

Columbia (Loew) (1,234; 28-44)—'McGinty' (Par) (2d run). Okay to \$12,000. Last week, 'Money and Woman' (M-G) plus 'Rocky' (M-G) (2d run), third week down town, excellent \$5,000.

Earle (WB) (2,216; 29-39-44-66)—'Sea Hawk' (WB) and vaude (2d wk.). After smashing to capacity \$22,500 first week, this one is holding to swell \$18,000 in second.

Keith's (RKO) (1,830; 39-55)—'Lucky Partners' (RKO) (2d wk.). Rogers-Colman film doing 'dine in' \$9,000. Last week \$11,500.

Met (WB) (1,600; 28-44)—'Flowing Gold' (WB). Management broke this after two days. In nine days, nifty \$9,000. Last week 'Snow White' (RKO) and Disney Festival did in second week to \$2,500 in five days.

Palace (Loew) (2,242; 39-55)—'Boom Town' (M-G). Taking the town by storm for smash \$30,000. Last week, 'Love Again' (M-G) (2d wk.), great \$15,000.

Det., After Fine Summer, Sees Big Fall; 'Breakfast,' Strong \$17,000

Detroit, Sept. 3.

(Best Exploitation: Fox) Heading into the fall, business grows consistently stronger here after a summer not bad in itself. It may be those millions pouring into Detroit on war orders; it may have been a cool summer which kept business up, and going into September the future looks excellent.

Holdovers are plentiful here all the last month and currently three houses are continuing picture runs: United Artists, which last week broke its gross record; 'Armory' (WB) and 'The Adams', which took over the Fox bill, and the Palms State, which moved in the duo from the Michigan.

The Fox got some nice tieups with its current 'He Stayed for Breakfast'. The picture was a natural for a midnight charity show, linked up with the Detroit News, night club entertainers and the Salvation Army in advance of the opening. Added tieups were made with the coffee, cream and doughnuts people for the midnight snack which was carried on all last week. The 200 Farm Crest bakery drivers delivered more than 200,000 packages of doughnuts around the town, with 'He Stayed for Breakfast' wrappers. Likewise the Borden Creamery delivered all its bottles with the caps carrying ballyhoo on the picture.

Estimates for This Week
Adams (Balaban) (1,700; 30-40)—

'Kit Carson' Paces Seattle With \$7,300

Seattle, Sept. 3. This Puget Sound locale is studded with lakeside resorts and roadway picnic spots, and for Labor Day these places go after biz as their last fling of the year. If the day's hot and sunny, they do well; if stormy, it's the showstoppers that get the biz. 'Kit Carson' Labor Day, however, boosted theatre takes.

'Kit Carson' is doing big and may hold. Plenty of advance bally this week for 'Boom Town' (M-G), which opens next at two big seaters, the Fifth and Paramount, handling 5,400 at one sitting, this being a first for the Hamrick-Evergreen using two houses for day-and-date showing, although John Hamrick did it once at his Blue Mouse and Music Box, both all seaters.

'Round the Mountain' had enough to warrant moverover to B.M. while companion B.M. holds 'Love You Again' fourth week. Roosevelt is holding 'Heaven Too', also for fourth stanza, to steady take.

Estimates for This Week
Blue Mouse (Hamrick-Evergreen) (350; 30-40-50)—'Round Mountain' (Par) and 'Tom Brown' (RKO). Moverover from Orpheum, indicates slow \$1,700. Last week, 'Ramparts' (RKO) and 'Golden Fleecing' (M-G) (2d week) so-so at \$1,600.

Coliseum (Hamrick-Evergreen) (1,900; 21-35)—'New Moon' (M-G) and 'Biscuit Eater' (Par) (2d run). Expect good \$3,000. Last week, 'Andy Hardy Deb' (M-G) and 'Lucky Cisco' (20th) (2d run), great \$3,450.

Fifth Avenue (Hamrick-Evergreen) (2,448; 30-40-50)—'Love You Again' (M-G) (2d week, five days). Garner (Continued on page 25)

'BOOM TOWN' TALL 22G, BUFF.

Buffalo, Sept. 3. This week is rather bumpy, with Labor Day business no bargain. 'Boom Town' is outdistancing everything.

Estimates for This Week
Buffalo (Shea) (3,500; 35-40-00)—'Rhythm on River' (Par). Slow \$12,000. Last week, 'Money and Woman' (M-G) plus 'Rocky' (M-G) (2d run), third week down town, excellent \$5,000.

Great Lakes (Shea) (3,000; 44-65)—'Boom Town' (M-G). Tall \$22,000. Last week, \$15,500. (20th) and 'Sing, Dance' (Rep). Developed for \$9,000.

Hipp (Shea) (2,100; 30-45)—'Young People' (20th) and 'Chan' (WB) Museum' (20th). Good \$7,000. Last week, 'Love You Again' (M-G) (2d run) and 'Pier 13' (20th), surged to over \$9,000.

Lafayette (Hayman) (3,300; 30-40)—'Stayed for Breakfast' (Col) and 'Passport to Alcatraz' (Col). Nice, over \$9,000. Last week, 'Private Affairs' (U) and 'No Tough' (U), okay, nearly \$7,000.

20th Century (Dipson-Basil) (3,000; 30-40)—'Lucky Partners' (RKO) and 'Millionaires in Prison' (RKO). Mild nine days, top \$8,000. Last week, 'Queen of Destiny' (RKO) and 'Cross-Country Romance' (RKO), dreary, under \$5,000.

'Boom Town' Blasts Big \$30,000 To Top Frisco; 'Hawk' Strong 22G

Key City Grosses

Estimated Total Gross
This Week \$1,838,800
(Based on 25 cities, 167 theatres, chiefly first runs, including N. Y.)
Total Gross Same Week
Last Year \$1,753,300
(Based on 27 cities, 179 theatres)

'HAWK' LOFTY \$15,000 IN CINCY

Cincinnati, Sept. 3.

Holiday weekend supplied several notches of oomph to combined take of main stem; cinemas over, last week's wham hot-weather biz. Which is pleasing to exhibitors in view of big draw of Reds, bidding to repeat as National League champs and playing doubleheaders Sunday (1) and Labor Day in near finish of their season's final long home stay.

'Sea Hawk' is collecting top money currently with a swell Albee mark. Next best is 'Lucky Partners', at Palace, but for lukewarm figure. Keith's has its best clerks in weeks in 'Great McGinty'.

Except for the smallie Family, other houses are showing holdover product.

Estimates for This Week

Albee (RKO) (3,300; 39-47)—'Sea Hawk' (WB). Swell \$15,000. Last week, 'Frank James' (20th), fair \$9,500.

Capitol (RKO) (2,000; 42-60)—'Boom Town' (M-G) (4th wk.). Holding close to last week's (3d) hefty \$8,000 and will stay for another week. Gross for first four weeks around \$49,000. Cincy's best run mark since 'Gone With the Wind'.

Family (RKO) (1,000; 15-28)—'Christian Meets Women' (RKO) and 'Manhattan Heartbeat' (20th), divided close to last week's (3d) \$1,900. Last week, 'Millionaires in Prison' (RKO) and 'Pop Pays' (RKO), split with 'Gambling Seas' (WB) and 'Country Romance' (RKO), fair \$1,800.

Grand (RKO) (1,439; 33-50)—'Love Again' (M-G) (2d wk.). Socko \$9,000. Last week, great \$14,500.

Keith's (Libson) (1,500; 39-47)—'Great McGinty' (Par). Swell \$6,500, best here for some time. Last week, 'Gold Rush, Maisie' (M-G), slow \$3,200.

Lyric (RKO) (1,400; 39-47)—'Frank James' (20th). Transferred from Albee. Okay \$4,000. Last week, 'Boys Syracuse' (U) (2d wk.), dull \$3,000.

Palace (RKO) (2,600; 39-47)—'Lucky Partners' (RKO). Lukewarm \$5,500. Last week, 'Stayed for Breakfast' (Col), fair \$4,000.

Shubert (RKO) (2,150; 39-47)—'Stayed for Breakfast' (Col). Moverover from Palace for second week. Slow \$3,000. Last week, 'Die Night' (WB) (2d run), mild \$3,200.

'Rhythm River' Okay \$6,200 in Port., Ore.

Portland, Ore., Sept. 3.

'Rhythm River' is doing nicely for the Paramount, with 'Sea Hawk' at the Broadway keeping right in step. Best holdover is 'I Love You Again' at the UA.

Estimates for This Week

Broadway (Parker) (2,300; 35-40-50)—'Sea Hawk' (WB). Living up to advance bally for good \$8,000. Last week, 'Daltons' (U) and 'Private Affairs' (U) average \$4,400.

Mayfair (Parker-Evergreen) (1,500; 35-40-50)—'Drive By Night' (WB) and 'Ladies Must Live' (WB). Holding for half a third week (legit show taking three days) to okay \$1,800. Last week, around par at \$3,300.

Paramount (Hamrick-Evergreen) (3,000; 35-40-50)—'Rhythm River' and 'Pier 13' (20th). Nice \$6,200. Last week, 'Frank James' (20th) and 'Pop Pays' (RKO) (2d week), satisfactory \$4,400.

United Artists (Parker) (1,000; 35-40-50)—'Love You Again' (M-G) and 'We Are Young' (M-G) (2d week). Still going strong, \$4,800. Last week, big \$6,000.

San Francisco, Sept. 3.

Labor Day holiday helping, some this week, but not too much, home play going to fair and weekend trips out of town. Center of attraction is Warfield with 'Boom Town' at advanced admish. Golden 'Gale', hyped opening of 'Dance Girl' Dance with appearances of stars, Lucille Ball and Maureen O'Hara on opening day. 'Sea Hawk', at Fox, is big, Friday evening (30) for general overhaul.

Estimates for This Week

Fox (F-WC) (5,000; 35-40-50)—'Sea Hawk' (WB). Bucking considerable competition, but fine \$22,000. Last week, 'Frank James' (20th) and 'Ave. A' (20th), all right at \$8,000.

Golden Gate (RKO) (2,850; 39-44-55)—'Dance Girl' (RKO) and vaude. Opening day personals by Lucille Ball and Maureen O'Hara got this off to good start. Should hit \$14,000. Last week, Dorothy Lamour boosted 'Divorcement' (RKO) to terrific \$23,500.

Orpheum (F&M) (2,440; 35-40-50)—'Stayed for Breakfast' (Col) and 'Secret Seven' (Col) (2d wk.). Looks like \$9,000; good. Last week, \$14,000, okay.

Paramount (F-WC) (2,740; 35-40-50)—'Rhythm River' (Par) and 'Girl God's Country' (Rep). Bing Crosby opus headed for sweet \$12,000. Last week, 'Young People' (20th) and 'Fleecing' (M-G), fairish \$10,000.

St. Francis (F-WC) (1,470; 35-40-50)—'Love Again' (M-G) and 'Sea Raider' (Par). Moved here for fourth week on stem. Okay \$5,500 on way. Last week, 'Heaven Too' (WB), finished third week down town, with like amount.

United Artists (Cohen) (1,200; 35-55-75)—'Pago Pago' (UA). House reopened Friday evening (30) after brief shutting for refurbishment. Looks like \$5,000.

Warfield (F-WC) (2,680; 40-60-65)—'Boom Town' (M-G). Advanced admish. Ought to bag terrific \$30,000. Last week (33-39-44), third of 'Love Again' (M-G), excellent \$10,500.

'BOOM TOWN' GRABS STRONG 18G, MEMPHIS

Memphis, Sept. 3.

Metro's 'Boom Town' struck off all over town, and is setting up as satisfactory for this type of film. Pic, like all others of week, elicited rave notices and is getting good audience reaction at Loew's Palace.

A four-star petroleum saga drew biggest Saturday and Sunday in two-decade history of this showhouse and is certain for second-week holdover. Tapped prices, as with 'The Sea Hawk' at Warner's, failed to stir resentment.

'Sea Hawk' is going nicely in its second stanza after a swell first session at Warner's.

First Dixie showing of 'Ramparts We Watch' is setting up as satisfactory for this type of film. Pic, like all others of week, elicited rave notices and is getting good audience reaction at Loew's Palace.

Bing Crosby's 'Rhythm on River' is doing moderately well at the New Maleo. Receipts would undoubtedly be better, but management says traffic is pleasing.

Estimates for This Week

Loew's State (Loew) (2,600; 15-44-60)—'Boom Town' (M-G). This one grabbed nearly \$10,000 over weekend alone and might spurt as high as \$18,000 for week, just about a local record for non-roadshow dates. Last week, 'Lucky Partners' (RKO), \$4,200, fair.

Warner (Warner) (2,300; 15-40-55)—'Sea Hawk' (WB) (2d week). Errol Flynn might slash way to excellent \$4,000 for h.o. Last week, \$5,500, socko.

New Maleo (Lightman) (2,800; 10-33-44)—'Rhythm River' (Par). Crosby-Martini-Levan, drawn wall under circumstances, mebbe \$6,000. Last week, 'Stayed for Breakfast', \$6,500, very good.

Loew's Palace (Loew) (2,200; 10-33-44)—'Ramparts We Watch' (RKO). Documentaries seldom click here, but MOT feature should nab \$4,250, not bad. Last week, 'Captain Caution' (UA), four days, and 'Golden Fleecing' (M-G), three days, \$2,500, a flopper.

Strand (Lightman) (1,000; 10-22-33)—'Bliss' (Par). Par's third week, 'Captain is Lady' (M-G), two days, and 'Phantom Raiders' (M-G), two days, \$1,750, nice. Last week, 'Girl Friday' (Col) (2d run), three days, \$1,600.

Georgetown (Parker) (1,000; 10-22-33)—'Stag to China' (RKO), two days, \$1,650, all right.

'Boom' Great \$45,000 in Two Chi Spots; Ginger-Colman Fine 18G, 'Rhythm'-Penner Happy \$42,000

Chicago, Sept. 3.—Three-day holiday weekend added the top boxoffices all down the line. Outstanding is 'Boom Town', which is doubling in both the United Artists and at advanced prices. Opened Saturday (31) and looks for wallopping initial session. There was plenty of advance space in the papers and a hot ad campaign to aid the strategy.

Also smart is 'Lucky Partners' at Palace. Sent away in excellent fashion with fine advertising spread, the picture looks for a bang week. Other houses are primarily interested in their stage shows. Chicago has the Bing Crosby 'Rhythm on the River' flicker and Joe Penner's personation on the stage and is riding to a profitable stanza. Local radio fav, Dick Todd, is getting his crack at a stage in the State-Lake crack. He is coupled with the Joe Reichman orch. Around the corner at the indie Oriental, the Glen Gray Casa Loma band is accounting for a continued ride of the indie. Holdovers are 'I Love You Again', at Apollo, and 'Frank James', at Garrick.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-75) — 'Love Again' (M-G). Moved here after two good weeks in its Union Artists and headed for good \$5,500 currently. Last week, 'Drive Night' (WB), completed three loose sessions to take \$4,200.

Chicago (B&K) (4,000; 35-55-75) — 'Rhythm River' (Par) and Joe Penner headlining. Combination running to strong \$42,000. Last week, 'Frank James' (20th) and vaude, needed assistance to double feature 'preview' on final performance and came up with satisfactory \$32,100.

Garrick (B&K) (900; 35-55-65-75) — 'Frank James' (20th). Switched here for this one and wiring the \$4,000, good enough. Last week, 'Heaven Too' (WB), finished bang-up four-week loop run to \$4,200, bright.

Oriental (Jones) (3,200; 28-44) — 'Lucky Cisco' (20th) and Glen Gray Casa Loma band on stage. Combination looking for \$19,000, excellent. Last week, 'Lucky Partners' on stage came through above expectations with 'Private Affairs' (U) and hit whom \$19,900.

Palace (RKO) (2,500; 33-44-66) — 'Lucky Partners' (RKO) and 'Tempted' (U). Ginger Rogers-Ronald Colman partnership hitting brilliant \$18,000, best since reopening. Last week, 'Syracuse' (U) and 'W.K.' and 'Tom Brown' (RKO), fine \$8,400.

Roosevelt (B&K) (1,500; 55-65-75-85) — 'Boom Town' (M-G). Upped prices for this one and wiring the register to rousing \$13,000. Last week (35-55-75), McGinty (Par) managed \$9,000 for solo session.

State-Lake (B&K) (700; 28-44) — 'Hardy Debuts' (M-G) and vaude, Joe Reichman orch. and Dick Todd heading vaude lineup. Combination is going to \$18,000, happy. Last week, 'Queen Mob' (Par) and Bert Wheeler and Mitzel Green on stage, good \$16,500.

United Artists (B&K-M-G) (1,700; 55-65-75-85) — 'Boom Town' (M-G). Will get \$26,000 for week take \$10,000. Last week (35-55-75), 'Love Again' (M-G), \$9,200, good for second session.

Woods (Essanay) (1,200; 75-110-1.65) — 'Gone' (M-G) (32nd week). Has suddenly zoomed again into important money and currently looks for great \$9,500, after ditto amount last week.

'Correspondent' Topping Montreal With \$8,500

Montreal, Sept. 3.—Return of vacationists from summer resorts will jump box grosses with wet weekend helping. Top grossers in town are 'Foreign Correspondent' and 'I Love You Again'.

Estimates for This Week
Palace (CT) (2,700; 25-45-55) — 'Love Again' (M-G). This is a Loy-Powell town and take should be \$7,000, good. Last week's 'Convoy' (Emp), \$5,500, good for third repeat.

Capitol (CT) (2,700; 25-45-55) — 'Rhythm River' (Par) and 'Golden Clowers' (Par). Possible \$4,500, good. Last week, 'Lucky Partners' (RKO) and 'Blondie Servant' (Col), fair \$3,500.

Blondie (CT) (2,800; 30-40-50-55) — 'Foreign Correspondent' (UA). Top-notch locally, pacing for \$8,500, very nice. Last week, third repeat of 'Heaven Too' (WB), good \$4,500.

Princess (CT) (2,300; 25-34-50) — 'Sea Raider' (Par) and 'Round Mountain' (Par). Sighting fair \$3,000. Last week, 'Snow White' (RKO), good \$3,500.

Orpheum (Ind) (1,100; 25-40-50) — 'Pogo-Pogo' (UA). Pacing for very good \$4,500. Last week, 'Turnabout' (UA), faded \$2,000.

Cinema de Paris (France-Film)

(600; 25-50) — 'Je t'attendrai' (3d wk.). Likely \$1,000, after fair \$1,200 last week.

St. Denis (France-Film) (2,300; 25-34) — 'Dame de Coeur' and 'Boutique aux Illusions'. Around average \$4,500 in sight. Last week, 'Nadia' and 'Eux et Nous', good \$4,000.

'BOOM' BOOMS BALTO FOR \$22,000

Baltimore, Sept. 3.—Continued rain, which played havoc with nearby resorts over the holiday weekend, kept them in town and headed for the theatres. Entire downtown list is reporting satisfactory results with extra strong product lineup a big help.

Out front in big style is 'Boom Town' at Loew's Century. 'The Sea Hawk' is also very bright at the Stanley. Upped scales for both of these films adding up to substantial figures.

Estimates for This Week
Century (Loew's-UA) (3,000; 29-39-60) — 'Boom Town' (M-G). Drawing them in is smash style, with extra big \$22,000 looked for. Last week (15-28-44), 'Captain Caution' (UA), poor \$5,400.

Hippodrome (Rappaport) (2,205; 15-28-39-44-55-66) — 'Lucky Partners' (RKO) plus vaude headed by Henry Armetta. Holding its own against strong competition and pointing to okay \$16,000. Last week, 'Millionsaire Prison' (RKO) and 'George White's Scandals', good \$16,200.

Keith's (Schanberg) (2,406; 15-28-39-44) — 'Rhythm on River' (Par). Maintaining pace to possible \$7,000. Last week, 'Disney Festival of Cartoons' featuring 'Snow White' (RKO), drew surprisingly well at \$6,600.

New (Mechanic) (1,581; 15-28-35-55) — 'Young People' (20th). Precendence daytime and juve trade to \$5,000. Last week, 'Man Married' (20th), failed to excite at \$3,900.

Stanley (WB) (3,280; 29-39-60) — 'Sea Hawk' (WB). On its way to \$18,000, good for grand \$19,000. Last week (15-28-39-44-55), second of 'Drive Night' (WB), added good \$7,000 to strong initial sesh at \$10,300.

CROSBY HAPPY \$9,300 IN K. C.

Kansas City, Sept. 3.—The Midland is breaking a precedent of over 10 years standing with a stiff hike in prices on 'Boom Town'. Nights are going for 60c, main floor, and 40c balcony, with a mainline at \$2,000. House is maintaining its regular dual policy with 'Lady in Question' also on the bill, and is opening at 10 a.m. to get in four full shows daily. Only time in decade top has gone over 40c, with exception of 'Gone With the Wind' last winter.

'Rhythm on the River' playing solo, is doing nice job at Newman. Bing Crosby always hits an assuring level here and this one above his usual run.

Estimates for This Week
Equinox and Uptown (Fox Mid-west) (820 and 2,403; 10-28-44) — 'Young People' (20th). Picture getting good notices, but, combo mild at \$2,000. Last week, 'Frank James' (20th), in holdover, played six days for satisfactory \$4,800.

Midland (Loew's) (4,101; 10-35-40-60) — 'Boom Town' (M-G) and 'Lady in Question' (U). Upped prices will probably huge \$21,500. Last week (10-23-44), 'Stayed Breakfast' (Col) and 'Golden Fleeing' (M-G), good \$11,500.

Newman (Paramount) (1,900; 10-28-44) — 'Rhythm River' (Par). Looks like sure h.o. Getting \$9,300, very good. Last week, 'Loving Gold' (WB) lost to the punch by a week on release of the oil film, but played to only mild \$6,000.

Orpheum (RKO) (1,500; 10-28-44) — 'Drive Night' (WB) (2d wk.) and 'For Ray' (RKO). Okay at \$7,700. Last week, with 'Christian Meets Women' (RKO), good \$5,500.

Tower (Joffe) (2,110; 10-30) — 'Carolina Moon' (M-G) and vaude. Average take at \$6,200. Last week, 'Private Lives' (20th) and vaude, okay \$5,500.

First Runs on Broadway (Subject to Change)

Week of Sept. 5
Astor—'Gone With the Wind' (M-G) (38th wk.).
Capitol—'Boom Town' (M-G). (Reviewed in VARIETY, Aug. 7)
Criterion—'Girl from God's Country' (Rep) (7).
Globe—'Flowing Gold' (WB) (2d wk.).

Musie Hall—'Lucky Partners' (RKO). (Reviewed in VARIETY, Aug. 21).
Paramount—'Rhythm on the River' (Par) (2d wk.).
Rialto—'Black Diamonds' (U) (9).

Rivoli—'Foreign Correspondent' (UA) (2nd wk.).
Roxy—'He Stayed for Breakfast' (Col) (2d wk.).
Strand—'No Time for Comedy' (WB) (6).

Week of Sept. 12
Astor—'Gone With the Wind' (M-G) (39th wk.).
Capitol—'Boom Town' (M-G) (2d wk.).
Globe—'Hell's Cargo' (Film Alliance).

Musie Hall—'Lucky Partners' (RKO) (2d wk.).
Paramount—'Rhythm on the River' (Par) (3d wk.).
Rivoli—'Foreign Correspondent' (UA) (3d wk.).

Roxy—'The Great Profile' (20th) (13). (Reviewed in VARIETY, Aug. 21).
Strand—'No Time for Comedy' (WB) (2d wk.).

'RHYTHM,' 7½ L'VILLE CLICK

Louisville, Sept. 3.

(Best Exploitation: Loew's State)
Ideal setup for fine film biz currently, what with the long holiday, cooler temperatures, and an array of pics that pack plenty of the a.p. appeal. Plenty of picture nature, 'Gone With the Wind' is the pleasant weather to make end-of-season trips and picnics, but the lure of outdoor sports is weakening and attention is again turned toward the film houses.

Okay biz is the general rule, with Bing Crosby's 'Rhythm on the River' pulling strongly at Rialto. 'Sea Hawk' at Mary Ann, also pacing for mighty numbers. 'Gone With the Wind' is light at the Strand, and 'Foreign Correspondent', at Loew's State, had benefit of Bernard Sobel's presence to whom things up, with radio talks, color ads, and a general whoop-de-do, to acquaint local patrons with the product he was in to town to represent.

Estimates for This Week
Brown (Loew's-Fourth Avenue) — 'Frank James' (20th) and 'Pie 13' (20th). Started off at fair pace, but hardly expecting any big pickings after last week's okay stanza at Rialto. Fairish, \$1,800.

'Again' (M-G) and 'Out West Pipers' (Col), second week at this house after moveover from State, light \$1,500.

Kentucky (Switow) (1,200; 15-25) — 'Frank James' (20th) and 'Irene' (RKO) split with 'Can't Fool Wife' (RKO) and 'Sailor's Lady' (20th). Sharing in general pickup for okay \$1,500. Last week, 'Sue h.o.' (Par) and 'My Way' (U), split with 'Sandy Lady' (U) and 'Safari' (Par), average \$1,400.

Loew's State (Loew's) (3,100; 15-30-40) — 'Foreign Correspondent' (UA) and 'Girls' Road' (Col). Good exploitation helping, but folks rather cool on war pics. Facing pretty stiff opposition, but should manage okay \$7,000. Last week, 'Stayed Breakfast' (Col) and 'Good Rush Maisie' (M-G), fine \$8,000.

Mary Anderson (Lisbon) (1,000; 15-30-40) — 'Sea Hawk' (WB). Going great guns as a single here and pacing for excellent \$5,000. Sure h.o. Last week, 'Drive Night' (WB), on h.o. stanza, alright \$3,500.

Rialto (Fourth Avenue) (3,400; 15-30-40) — 'Rhythm River' (Par) and 'Want Divorce' (RKO). Mats strong. Stepping along for fine \$7,500. Last week, 'Frank James' (20th) and 'Pie 13' (20th), excellent \$9,000 and moveover.

Strand (Fourth Avenue) (1,400; 15-30-40) — 'Great McGinty' (Par) and 'Sing, Dance, Rep'. Fine work of Brian Donlevy bringing some attention, but biz looks to shape up on the slow side for \$2,800. Last week, 'Young People' (20th) and 'Chan Wax' (20th), weak \$2,500.

Last One In Is A—
Hollywood, Sept. 3.

Robert McGowan directs 'The Old Swimmin' Hole' for Scott R. Dunlap at Monogram, starting in four weeks.

Marcia Mae Jones and Jackie Moran, currently on an eastern stage tour, get the top roles.

'Pride' \$105,000 Fourth Week Tops 1st Week's Take; Bing 65G, 'Foreign Correspondent' 50G; B'way Terrific

Rain which followed cold weather last week was augmented by record Labor Day crowds over the weekend. Consequently the past week's business is proving more tonic than the first real sunshine in days, with old b.o. marks tossed into the discard by Broadway houses.

Managers are even optimistic enough to expect a record biz over the holidays, to forecast extended prosperity at the wickets, and to detect a wave of business improvement. They expect aid from school kids until Sept. 10 or 11, with classwork scheduled to resume Sept. 15.

Probably the most phenomenal showing is being made by the Music Hall with 'Pride and Prejudice' in its fourth week, with the unheard-of figure of \$105,000 likely. If it hits this figure, it will beat opening week.

Equally fine is 'Rhythm on River' at the Paramount, which looks for \$85,000 the opening week, after the best Labor Day business in five years, or since the present stage band policy helping this house to around \$32,000. Last week, 'Daltons' (U), first run, and Betty Hutton, Ciro Rimaac orch. others, \$25,000, plenty of profit.

Strand (7,707; 25-50-55-75-85-99) — 'Sea Hawk' (WB) and Phil Spitalny (4th wk.). Holding up sturdily in fourth stanza with Labor Day mob a big help, \$32,000, phenomenal for fourth week at this time of year here. Hefty \$40,000 turned in for third week, after \$43,500 in second and nearly \$50,000 opening, seven days. 'Flowing Gold' (WB) officially set to follow is supplanted by 'No Time for Comedy' (WB) and Larry Clinton band Friday (6).

'Foreign Correspondent' at Rivoli, with \$50,000, and 'He Stayed for Breakfast' at Roxy, also around \$50,000, are other new pictures showing startling strength. The tipoff is the surprise of the street. Tipoff on the Labor Day weekend, the crowds meant to all downtown houses is shown by 'Gone With the Wind' at Astor, which soared to \$14,600 or \$2,500 ahead of the previous week.

'Pride' could easily hold a fifth week but makes way for 'Lucky Partners' which originally was set for Labor Day week at the Music Hall. Picture likely will show more than \$40,000 for the four weeks, unheard of for summer season and probably topping first four weeks of 'Rebecca' with a six weeks at this house last spring.

'Foreign Correspondent' probably will tenant the reopened Rivoli for many weeks, according to present indications. Opening week take, bested last season's opener. Management upped its scale about 20% to 75c at matinees, 99c at night, starting Thursday (29), patronage taking it in stride.

Holdovers at Strand and Capitol both are doing solidly. 'Sea Hawk' and Phil Spitalny is a sturdy fourth week contestant with \$36,000, or above average. 'Pie 13' of Gold originally set to follow, has been switched to the Globe, with 'No Time for Comedy' and Larry Clinton's band opening at the Music Hall. 'Hawk' combo may hit \$170,000 for the four weeks. This, too, warrants a fifth lap but for Spitalny's previous commitments.

Third week of 'I Love You Again' is headed for \$33,000 or about even with the second week. Some question as to whether picture would not stay a fourth but desire to get 'Boom Town' on pre-release is bringing the Metro four-starrer in tomorrow (Thurs.).

Ed Sullivan and his Harvest Moon Analysts are chiefly responsible for the terrific \$32,000 being rolled up at the State where 'New Moon' is the second-run film.

Estimates for This Week
Astor (1,012; 75-85-110-1.65-32.20) — 'Gone' (M-G) (38th wk.). Last week (37th), surprising \$14,600, hefty takings. Outowners credited with pushing business up enough to best \$12,100 of previous week.

Capitol (4,520; 25-40-55-75-110-1.25) — 'I Love You Again' (M-G) (3d wk.). Near \$35,000, about equal to second stanza. Make more than \$100,000 for three weeks, might be nice profit considering competition. 'Boom Town' (M-G) goes in at titled price tomorrow (Thurs.).

Criterion (1,622; 25-40-55-65) — 'Gold Rush Maisie' (M-G). Real good at slightly over \$10,000. Last week, 'Mystery Sea Raider' (Par), neat \$8,000.

Globe (1,700; 25-35-55) — 'Flowing Gold' (WB). Originally sledged for Strand, zooming to \$14,000 or better, and holds second week. Previous \$14,000, 'River's End' (WB), so, so \$5,500.

Palace (1,700; 25-35-55) — 'Heaven Too' (WB) (2d run) and 'Pop Al's Ways Pays' (RKO). Failing to feel holiday crowds and lucky to get \$7,800, disappointing. Last show blamed. Last week's twin combo 'Drive by Night' (WB) (2d run) and 'Windy Poplars' (RKO) (1st run), \$8,000.

Paramount (3,664; 25-35-55-88-99) — 'Rhythm on River' (Par), and in person, Will Bradley orch. Ken Murray, others, terrific \$65,000 in sight, and cinch to go three weeks.

Radio City Music Hall (5,980; 40-60-84-99-1.65) — 'Pride and Prejudice' (M-G) and stage show (4th wk.). Heading for terrific \$105,000, despite three hefty weeks previously. Could hold but must make way for 'Lucky Partners' (RKO).

Third Floor (RKO). Opened Saturday (31) when 'One Crowded Night' (RKO) failed to crowd after five days. New picture likely to get okay \$7,000 aided by out-town visitors. 'Night' only \$4,000 in its brief stay.

Rivoli (2,092; 25-40-55-75-99) — 'Foreign Correspondent' (UA). Rounds out first week with excellent \$50,000 in for index with bang run. Mighty fine takings for this house, shuttered most of summer, and beats 1939 opening mark.

Roxy (5,838; 25-40-55-75) — 'He Stayed for Breakfast' (Col) and stage show, looks to top \$50,000. Last week, 'Young People' (20th) and Boves unit, \$40,000, also real profit.

State (3,450; 35-55-75) — 'New Moon' (M-G) and stage show consisting of Ed Sullivan and Harvest Moon Ball dancers. Amateur terps helping this house to around \$32,000. Last week, 'Daltons' (U), first run, and Betty Hutton, Ciro Rimaac orch. others, \$25,000, plenty of profit.

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Rain Sloughs State Fair, Hypos Mpls.

Pix; 'Untamed' - 'Funz' Big \$14,000

Minneapolis, Sept. 3.

For the first time in years theaters got a State Fair break. Cold and rain almost every day diverted patronage away from the exposition to the showhouses. While the Fair suffered substantially, the theatres have been doing relatively well. The Fair's 10-day run, which ended yesterday (Monday), showed a hefty deficit, instead of the usual surplus.

Because of the unseasonable and rainy weather, too, the weekend Labor Day holiday kept people in town. This, too, was a favorable theatre business factor.

The past week no less than four films did sufficiently well to warrant holdovers. However, only three of them, 'The Sea Hawk,' 'Our Town' and 'Boys of the City' actually were retained, the other, 'He Stayed for Breakfast,' having to move out of the Orpheum because that house had a previous stage show and picture commitment. It had no other place to go. 'Boys,' however, only lasted one extra day at the Esquire.

Of the newcomers, 'Funzafire' unit at the Orpheum is getting the most attention, probably for the reason that many of the transients here for the Fair have no opportunity to see stage entertainment in their own communities. 'Unit' has screen assistance in 'Untamed.' Two other newcomers, 'Rhythm on the River' and 'The Great McGinty,' both highly regarded, also are giving a good account.

Estimates for This Week

Astor (Par-Singer) (900; 15-25)—'Sea Raider' (Par) and 'Out West Peppers' (Col), first-runs, split with 'Stranger Third Floor' (RKO) and 'One Crowded Night' (RKO), also first-runs. Headed for pretty good \$17,000. Last week, 'Sandy's Lady' (U) and 'Secret Seven' (Col), first-runs, \$15,000 for five days, okay.

Century (Par-Singer) (1,800; 28-30-44)—'Sea Hawk' (WB). Most drawn after one day of second week, okay \$9,000, after good \$12,000 first week. 'Flaming Gold' (WB) replaced, opening Monday (2). Fair \$200 indicated.

Globe (Par-Singer) (908; 28)—'McGinty' (Par). Much praise from critics and customers. Headed for very good \$3,500. Last week, 'Golden Fleece' (M-G), \$2,200, light.

Orpheum (Par-Singer) (2,800; 39-44-55)—'Untamed' (Par) and 'Funzafire' with Benny Meroff band on stage. Timely booking of stage show because of State Fair visitors from territory small towns. May reach big \$14,000. Last week, 'Stayed Breakfast' (Col), \$8,100, very good.

State (Par-Singer) (2,300; 28-39-40)—'Rhythm River' (Par). Acclaimed one of best Bing Crosby offerings and got heavy advertising campaign. Good \$8,000 indicated. Last week, 'Sea Hawk' (WB), \$10,000, very big.

Uptown (Par) (1,200; 28-39)—'Hardy Debuts' (M-G). First neighborhood showing. Big \$4,400 prospect. Last week, 'Heaven Too' (WB), \$4,000, very good.

World (Par-Singer-Steffes) (350; 29-34-44-55)—'Our Town' (UA) (2d wk.). A natty holiday sandwiched trade house. May go still another week. Heading for slow \$1,800. Last week, fair \$1,800.

NO OMAHA PANICS; 'RHYTHM' FAIR \$9,000

Omaha, Sept. 3.

The Orpheum is in a comparative slump with 'The Man I Married,' dualed, which will get only fair \$9,000, even with holiday sandwiched in. This is a big drop from last week's \$17,000 with 'Funzafire' unit and 'Gold Rush Maisie.'

The Omaha will hold up only fairly for \$9,000 with 'Rhythm on the River' and 'Those Were the Days,' while the Brandeis will wind up with no more than \$6,000 with 'Lucky Partners' and 'Military Academy.'

Estimates for This Week

Orpheum (Tristates) (3,000; 10-23-40)—'Man Married' (20th) and 'Round Mountain' (Par). Around fair \$9,000, a big comeback from last week. Last week, 'Lucky Partners' (RKO) and 'Gold Rush Maisie' (M-G) plus 'Funzafire' stage unit, over \$17,000, big.

Omaha (Tristates) (2,000; 10-25-40)—'Rhythm on the River' (Par) and 'Those Days' (Par). Will hit around \$9,000, fair. Last week, 'Love Again'

(M-G) and 'Sporting Blood' (2d wk.), got a little under \$8,000. Brandeis (Mort Singer) (1,500; 10-25-40)—'Lucky Partners' (RKO) and 'Military Academy' (Col). Not bad at \$6,000. Last week, 'Snow White' (RKO) plus Disney shorts and 'Dr. Christian Women' (RKO), \$5,000, fair.

State (Goldberg) (900; 10-20-25)—'Scatterbrain' (Rep) and 'Girl God's Country' (Rep), split with 'Brother Orchid' (WB) and 'Dr. Kildare's Case' (M-G). Pretty good \$1,800, last week. 'Waterloo Bridge' (M-G) and 'Three Faces West' (RKO), split with 'Hot Steel' (U) and 'Flight Angels' (WB), fair \$1,400.

Town (Goldberg) (1,500; 10-20-25)—'Son Roaring Dan' (U), 'King Lumberjacks' (WB) and 'Earl Pennington' (Rep), triple split with 'On Spot' (Mono), 'Texas Steers' (Rep) and 'Man Monterey' (WB), and 'Millionaire Playboys' (RKO) and 'Full Confession' (RKO). Good \$1,100, last week. 'On Man's Land' (Indie), 'Somewhere Somewhere' (WB) and 'Madmen Europe' (Col), split three ways with 'Double Alibi' (U), 'There Goes Groom' (U) and 'Bordertown Patrolman' (Cap), and 'My Son' (UA) and 'Divorcement' (RKO), ordinary \$1,200.

Avenue Military-Dundee (Goldberg) (950-600-300; 25)—'Scatterbrain' (Rep) and 'Earl Pennington' (Rep), split with 'Flight Angels' (WB) and 'Tom Brown' (RKO). Headed for good \$3,000. Last week, 'Four Sons' (20th) and 'Waterloo Bridge' (M-G), split with 'Seven Gables' (U), 'Black Friday' (U) and 'Shooting Hitch' (20th), fair \$1,000.

'Correspondent' Neat With \$9,800 In Indianapolis

Indianapolis, Sept. 3.

It's State Fair week here and a lot of coin is headed away from the downtown section towards the fairgrounds. Some of the suburbaners get tired dogs in the middle of the day and come to town to swell matinee biz, but on the whole total gross downtown suffers.

Loew's is turning in a better than average week with 'Foreign Correspondent' dualed with 'Girls of the Road.' Indiana is also healthy with 'Rhythm on the River' and 'Golden Gloves.'

Loew's started out a couple of weeks in advance. Play date on 'Foreign Correspondent' with a personal trip to town of Laraine Day, who got reader and art space in the papers and radio interviews. 'Girl' garnered current co-op ads on shoes, hair-dos and dresses. Helped by national color assist ads. Joe Halpert's 'Red' and 'Blue' with Star exchange big-page display, week in return for ducats given to sheet's classified readers.

Estimates for This Week

Globe (Loew's) (2,400; 25-30-40)—'Comin' Round Mountain' (Par) and 'Queen Mob' (Par). This \$5,500, last week, 'Dalton's Ride' (U) and 'Not So Tough' (U), fair \$7,400. Indiana (Katz-Dolle) (3,100; 25-30-40)—'Rhythm River' (Par) and 'Golden Gloves' (Par). All credit given to Crosby for nice \$9,000. Last week, 'Lucky Partners' (RKO) and 'Cross Country Romance' (RKO), fair \$7,500.

Loew's (Loew's) (2,400; 25-30-40)—'Foreign Correspondent' (UA) and 'Girls Road' (U). Helped by good campaign to good \$9,800. Last week (31-40-54), 'Boom Town' (M-G), third week, with upped prices, a winner with \$7,800.

Lytic (Lytic) (1,900; 25-30-40)—'Young People' (20th) and 'La Conga Nights' on stage. Shirley Temple no help; red \$8,500. Last week, 'Man Married' (20th) and 'Ritz Brothers' heading vaude, good \$12,500.

'Heaven' Fine \$5,000 In Lincoln; Varsity Reopens

Lincoln, Neb., Sept. 3.

With the new Varsity reopened, starting off with 'All This, and Heaven Too,' opposition threw the booking availability into competition, which, despite the State Fair, is beating a merry b.o. tune.

Lincoln has 'Rhythm on the River,' and 'Lucky Partners' are placed directly across street from the Varsity at the Stuart.

Varsity opening finds the L. L. Dent organization in its strongest position on picture. 'Funzafire' coming here. Last week, 'RKO has just sold Dent, after more than 10 years

with his opposition, J. H. Cooper. This puts RKO at Co. half UA, half Warners, Mono and Rep with Dent.

Estimates for This Week

Lincoln (Cooper-Paramount) (1,500; 10-28-39-44)—'Rhythm River' (Par). Crosby heading for excellent \$4,300. Last week, 'Frank James' (20th), six days, \$3,500, fair. Nebraska (Cooper-Paramount) (1,200; 10-20-25)—'Scatterbrain' (M-G) and 'Bright Boys' (U), split with 'Phantom Raiders' (M-G) and 'Courageous Christian' (RKO). Good last half, total \$2,700. Last week, 'Queen Mob' (Par), split with 'Tear Gas Squad' (Par) and 'Adventures' (20th), all right \$2,200.

Stuart (Cooper-Paramount) (1,800; 10-28-44)—'Lucky Partners' (RKO). Doing very good, \$3,800 possible. Last week, 'Sporting Blood' (M-G) and 'Midnight Paris' unit on stage, three days, pretty good \$2,200. Split with 'Great McGinty' (Par), five days, light \$1,200.

Varsity (L. L. Dent-Westland) (1,017; 10-28-44)—'Capt. Caution' (U) and 'Hot Steel' (U). Good \$2,300. Last week, 'Two Thoroughbreds' (RKO) and 'Marines Fly High' (RKO), fair \$1,800.

Varsity (L. L. Dent-Westland) (1,100; 10-28-44)—'Capt. Caution' (U). Coupled with opening of theatre and will hit fine \$5,000.

'HAWK' SMASH \$25,000 IN PITT

Pittsburgh, Sept. 3.

Cash-registers ringing merrily for holiday week and, with cooler, semirainy weather to keep most everybody in town, biz is booming every-where. Weekend generally was a knockout and impetus should result in sock grosses all along the line.

Stanley's way in front with 'Sea Hawk' and getting heavy sugar on increased admission prices, while 'I Love You Again,' at Warner, following big fortnight at Stanley, is showing spectacular consistency, giving that house its best box opening day in years. It's hold-overs for both of them at same spots. 'Rhythm on the River' picking up smartly at Penn with good reviews and favorable word-of-mouth. Return of Frank James' giving Alvin its best week in months, and h.o.s. of 'Boys From Syracuse' and 'Lucky Partners' at Fulton and Ritz, respectively, holding up well.

For 'Sea Hawk,' Stanley grabbed 36 big window displays all over town, cashed in on critical showing and had series of fencing contests at County Fair with an Errol Flynn trophy to the winner. Latter event newswreled and clips shot to every WB house in the territory.

Estimates for This Week

Alvin (Harris) (1,850; 25-35-50)—'Frank James' (20th). Clinch to stick second week. Got head start on other houses, opening Wednesday (25) and grabbed couple of big days before competition was launched, then shot back into high over Labor Day week-end and shouldn't have any trouble winding up around \$10,500, very good.

For 'Sea Hawk,' Stanley grabbed 36 big window displays all over town, cashed in on critical showing and had series of fencing contests at County Fair with an Errol Flynn trophy to the winner. Latter event newswreled and clips shot to every WB house in the territory.

Fulton (Shea-Hyde) (1,700; 25-40)—'Boys Syracuse' (U) (2d wk.). Sliding to \$2,900. Last week, \$2,500. Opening stance was better than \$5,400.

Penn (Loew's-UA) (3,300; 25-35-50)—'Rhythm River' (Par). Well liked generally, with Crosby at his best. For second week, a big burger, helping to bring them in. Around \$15,000 looked for and should go to Ritz for second week. Last week, 'Lucky Partners' (RKO), a disappointment at \$10,000.

Ritz (WB) (800; 25-35-50)—'Lucky Partners' (RKO). Despite picture's indifferent showing at Penn, Loew's WB policy, which would have Labor Day picture, Rogers name would be better draw than any of usual twin-bill stuff that comes this way. They're right, too, inasmuch as it looks like \$3,000, very good. Last week, 'Pittsburgh,' helping to bring them in. Around \$15,000 looked for and should go to Ritz for second week. Last week, 'Lucky Partners' (RKO), a disappointment at \$10,000.

Warner (WB) (2,000; 25-35-50)—'Love Again' (20th). No stopping the Powell-Loy comedy, which looks headed for biggest total first-run gross of year here. Without any announcement at all, moved here directly across street from Varsity first day, top h.o. take in years at this spot. Should get \$10,000 in a romp, which means still another week here. Last week, 'Queen Destiny' (RKO) and 'Ladies Fly' (WB), n.g. \$2,700.

Philly's Big Labor Day Week Giving

'Boom' Terrific 37G; 'Partners,' 16G

'Partners' Dual Nice \$9,700 in Denver

Denver, Sept. 3.

'Kit Carson' not only took more money on its opening night here than any other preem night locally, but broke records for the week. With \$7,000 on opening night at six houses and huge biz at the Denver, film did over \$20,000 on the week and moved to the Aladdin. 'Rhythm on River,' above average at Denham in second week.

Estimates for This Week

Aladdin (Fox) (1,400; 25-49)—'Boys From Syracuse' (U) after a week at the Denver. Fair \$3,500. Last week, 'Frank James' (20th), after a week at the Denver, did nice \$4,000.

Broadway (Fox) (1,040; 25-35-40)—'Love You Again' (M-G) after two weeks at the Orpheum, and 'We Who Are Young' (M-G), after a week at the Orpheum. Good \$3,000. Last week, 'Pride and Prejudice' (M-G) and 'Gold Rush Maisie' (M-G), after a week at the Orpheum, did a nice \$3,000.

Denham (Cockrill) (1,750; 25-35-40)—'Rhythm River' (Par) (2d wk.). Nice \$6,500. Last week, very nice \$9,000.

Denver (Fox) (2,525; 25-35-40)—'Kit Carson' (UA) (world premiere) and 'Chan Wax Museum' (20th). Bang-up \$15,000; plus \$5,000 at other houses opening night. Last week, 'Boys Syracuse' (U) and 'Queen of Mob' (Par) good \$10,000.

Orpheum (RKO) (2,600; 25-35-40)—'Lucky Partners' (RKO) and 'Millionaire Playboys' (RKO). 'Neat \$9,700. Last week, 'Love You Again' (M-G) (2d wk.) and 'We Who Are Young' (M-G), good at \$9,000.

Paramount (RKO) (2,200; 25-40)—'Flaming Gold' (WB) and 'Secret Seven' (Col). Okay \$4,500. Last week, 'Money and Woman' (WB) and 'South to Karango' (U) good \$4,000.

Rialto (Fox) (878; 25-40)—'Frank James' (20th), after a week at each the Denver and Aladdin, and 'Laughing at Danger' (Mono). Fine \$3,000. Last week, 'Dalton' (U) after a week at the Paramount and 'Love, Honor and Oh, Baby' (U) good \$2,000.

Stanley (WB) (2,916; 35-46-57-68)—'Lucky Partners' (RKO). Getting at the backwash of the heavy biz with neat \$16,000. Last week, 'Stayed Breakfast' (Col), day-dating with Earle for solid \$14,700.

Stanton (WB) (1,457; 35-46-57)—'Stayed Breakfast' (Col). Holding fast pace with good \$8,000. Last week, 'Golden Fleece' (M-G), so-so \$4,000 for initial run.

Syracuse (U), mediocre \$4,000.

Temple, Barnet And Stripper Big \$19,000 in Cleve.

Cleveland, Sept. 3.

Five still spells b.o. gold for RKO Palace, swinging back to vaude with Charlie Barnet's orchestra and 'Young People' plus Rosita Royce in season-opening combo that's getting the late to late crowd. Initial three days caught just enough rain to keep holiday trade in town, building up near-capacity crowds of Barnet. Late users who are whooping up biz past \$19,000.

Propitious showers also doing exceptionally well for Hipp's 'Lucky Partners,' wip moveover to Allen. Given exact getaway by vaude, it is giving it a tough race at State, and 'Love You Again' is heading for some kind of Stillman record on fourth day.

Estimates for This Week

Alhambra (Printz) (1,200; 10-20-35)—'Scatterbrain' (Rep) and 'Dalton's Ride' (U) (2d run). Fine going at \$2,600. Last week, 'Faces West' (Col) (2d run), okay \$1,900.

Allen (RKO) (30-35-42-55)—'Frank James' (20th). Shaved over Hipp collecting nice \$4,500. Last week, 'Boys Syracuse' (U), ditto.

Hipp (Warner) (3,700; 30-35-42-55)—'Lucky Partners' (RKO). Coleman and Rogers named solid to nice, and being rewarded with heavy matinees by shoppers; \$15,000, easy. Last week, 'Frank James' (20th), slowed to fair \$11,000.

Palace (RKO) (3,200; 30-35-42-55-66)—'Young People' (20th), Charlie Barnet's orch and Rosita Royce, given exact getaway by vaude, it is giving it a tough race at State, and 'Love You Again' is heading for some kind of Stillman record on fourth day.

State (Loew's) (3,450; 30-35-42-55)—'Foreign Correspondent' (UA). Exploiting both press and patrons. Exploiting not keyed right, running into natives' phobia against vaude themes, yet getting smart \$15,500. Slated for moveover. Last week, 'Capt. Caution' (UA), six days, only fair \$8,000.

Stillman (Loew's) (1,772; 30-35-42-55)—'Love Again' (M-G) (4th wk.). Great \$6,000, and could go another round, but wip up the house's speed. Last week, third, great \$9,000.

Philadelphia, Sept. 3.

Thousands in Jersey, which kept storms of Philadelphia's town for the Labor Day weekend helped boost downtown film biz this week. Big-time product, headed by 'Boom Town,' also providing the ammunition for one of the best Labor Day weeks in recent history.

The Gable-Tracy-LaMar-Colbert super-colossal is leading for an all-time record at the Earle—surpassing even the lush weeks when the house was featuring name bands plus pix. Also in the chips are 'Lucky Partners,' 'Sea Hawk,' 'He Stayed for Breakfast' and 'Love You Again.' Weekie of the week is 'Young People' at the Fox.

Estimates for This Week

Aldine (WB) (1,303; 35-46-57-68)—'Pastor Hall' (UA) (2d wk.). Dropping a bit after opener, but still in the black with \$8,000. Last week, bright \$17,000.

Academy (Sablowsky) (600; 35-46-57)—'Pride Prejudice' (M-G) (2d run). (2d wk.). Socko \$4,000. Equal ly hefty \$4,500 for opening turn.

Boyd (WB) (2,560; 35-46-57-68)—'Sea Hawk' (WB) (3d wk.). Going strong with surprising \$14,000 for third round. Second week's trip clicko \$17,000.

Earle (WB) (2,758; 46-57-73)—'Boom Town' (M-G). Midnight show Sunday night plus advanced prices (Mon. Day, 73c all day), sending this one sky high, with smashing \$37,000 in offering. Last week (35-46-57-68), 'Stayed Breakfast' (Col), profitable \$13,000.

Fox (WB) (2,423; 35-46-57-68)—'Young People' (20th). Only week sister at pallid \$11,000. Last week, 'Flaming Gold' (WB), good \$14,500.

Karlton (WB) (1,066; 35-46-57-68)—'Love Again' (M-G) (2d run) (2d wk.). Plenty of zing in the Levy. Follies started at \$3,500. Follows good \$6,000 last week.

Kelth's (WB) (1,970; 35-46-57-68)—'Frank James' (20th) (2d run). Just ticks par for \$4,400. Last week, 'Syracuse' (U), mediocre \$4,000.

Stanley (WB) (2,916; 35-46-57-68)—'Lucky Partners' (RKO). Getting at the backwash of the heavy biz with neat \$16,000. Last week, 'Stayed Breakfast' (Col), day-dating with Earle for solid \$14,700.

Stanton (WB) (1,457; 35-46-57)—'Stayed Breakfast' (Col). Holding fast pace with good \$8,000. Last week, 'Golden Fleece' (M-G), so-so \$4,000 for initial run.

Syracuse (U), mediocre \$4,000.

Temple, Barnet And Stripper Big \$19,000 in Cleve.

Providence, Sept. 3.

Stocked to attract the Labor Day weekend biz, local theatres are racing for hefty grosses. 'Boom Town,' at Loew's State, heads the list, and is followed by 'The Sea Hawk,' at Majestic, 'Lucky Partners,' reopening RKO and 'Rhythm on the River,' at Strand.

'He Stayed for Breakfast' is in its second downtown week after switch from Loew's to Carlton.

Hurricane 'whic' threatened throughout Sunday to hit Rhode Island drove thousands from the seashores back to the city, giving an additional boost to local movie biz.

Estimates for This Week

Albee (RKO) (2,000; 28-39-50)—'Lucky Partners' (RKO) and 'Christian Women' (RKO). Fall repeater looks promising for \$7,000.

Carlton (Fay-Loew) (1,400; 28-39-50)—'Stayed Breakfast' (Col) and 'Gold Rush Maisie' (M-G) (2d run). Competition strong, but duo heading for \$2,000. Last week, 'Frank James' (20th) and 'Windy Poplars' (RKO) (2d run), fair \$1,800.

Fay's (Indie) (2,000; 15-28)—'Girl Avenue' (20th) and 'Oklahoma Renegades' (Rep). With plenty to attract the juve trade, house is looking for nice \$3,500. Last week, 'Big Diamonds' (U) and 'Bad Boy' (Indie), good \$3,000.

Majestic (Fay) (2,200; 28-39-50)—'Sea Hawk' (WB). Building nicely for week \$8,500. Last week, 'Flaming Gold' (WB), 'Money Woman' (WB), so-so \$6,500.

State (Loew) (3,200; 28-39-50)—'Boom Town' (M-G) and 'Lady Question' (Col). Stand has a gusher in this one. With indications pointing to sky-high \$20,000. Last week, 'Stayed Breakfast' (Col) and 'Gold Rush Maisie' (M-G), swell \$14,000.

Strand (Indie) (2,000; 28-40-50)—'Rhythm on River' (Par) and 'Hidden Gold' (Par). House happy with \$7,000. Last week, 'Coming Round Mountain' (Par) and 'Married Adventure' (Par), weak \$4,500.



SWEET SIXTEEN

And he's always been kissed (by Miss Box-office!) Now watch the love feast of 1940-41 during which M-G-M will produce a minimum of 44 and a maximum of 52 pictures.

(Next page for the line-up!)

HERE ARE PICTURES TO ENTER IN YOUR DATE-BOOK!



Our friendly customers know from previous years that in listing a new season prospectus we reserve the right to make changes. Our mutual aim is to get the best ultimate results and any deviation from the following would only be in the interests of making the best pictures possible. We will let our record speak for that. These pages reveal the greatest listing of entertainments and star values in the history of the Friendly Company. Here are the materials from which M-G-M's new season productions will be drawn. The Friendly Company has the pictures and it's the easiest company to do business with!

ESCAPE (book)... Ethel Vance's sensational best-seller, flaming with a daring romance that made it the most talked-about novel of the year. Starring Norma Shearer and Robert Taylor with Conrad Viedt, Nazimova, Felix Bressart, Albert Basserman, Phillip Dorn, Bonita Granville and Blanche Yurka. Mervyn LeRoy directs from screen play by Arch Oboler and Marguerite Roberts.

WYOMING...spectacular outdoor drama filmed in the heart of the rugged West's most breath-taking beauty, starring Wallace Beery with Leo Carrillo, Ann Rutherford, Lee Bowman, Joseph Calleia, Paul Kelly, Bobs Watson, Marjorie Main and Henry Travers. Richard Thorpe directs from original story by Jack Jevne and screen play by Jack Jevne and Hugo Butler.

DR. KILDARE GOES HOME... further adventures in this series which is becoming increasingly popular and beloved by audiences everywhere, featuring Lionel Barrymore, Lew Ayres, Laraine Day, John Shelton, Gene Lockhart, Nat Pendleton, Samuel Hinds, Alma Kruger, Emma Dunn, Walter Kingsford, Nell Craig and Cliff Danielson. Harold Bucquet directs from screen play by Willis Goldbeck and Harry Ruskin from original story by Max Brand.

STRIKE UP THE BAND... smashing successor to "BABES IN ARMS", tuneful parade of youth starring Mickey Rooney and Judy Garland with Paul Whiteman and his Orchestra, June Preisser, William Tracy, Larry Nunn and hundreds of their pulchritudinous pals. Hit song "Our Love Affair." Busby Berkeley directs from original screen play by John Monks, Jr., and Fred Finklehoffe.

THE PHILADELPHIA STORY (play)... Phillip Barry's stage success that ran a solid year on Broadway, brought to the screen starring Cary Grant, Katharine Hepburn, James Stewart with John Howard, Roland Young, John Halliday, Mary Nash, Virginia Weidler, Ruth Hussey. George Cukor directs.

SKY MURDER... thrilling sequel to Nick Carter's earlier adventures, with this immortal detective hero again portrayed by Walter Pidgeon with Donald Meek, Karen Verne, Edward Ashley, Joyce Compton, George Lessey, Tom Neal, Chill Wills and Tom Conway. George Seitz directs.

DULCY (play)... Only Ann Sothorn could do justice to the flippety heroine of this famous play by George S. Kaufman and Marc Connelly. The comedy cast includes Ian Hunter, Reginald Gardiner, Lynne Carver, Roland Young, Billie Burke and Dan Dailey, Jr. S. Sylvan Simon directs from screen play by Albert Mannheimer, Jerome Chodorov and Joseph A. Fields.

THIRD FINGER, LEFT HAND... Lionel Houser's madcap romance of a self-sufficient young lady who pretends to have a husband... until a husband shows up to claim his bride. Starring Myrna Loy with Melvyn Douglas, Lee Bowman, Donald Meek, Felix Bressart, Raymond Walburn, Bonita Granville, Sidney Blackmer, Ann Morris, Halliwell Hobbes and May McAvoy. Robert Z. Leonard directs.

BITTERSWEET (play)... Thrilling musical romance, considered Noel Coward's most distinguished achievement, filmed in radiant Technicolor as a starring vehicle for Jeanette MacDonald and Nelson Eddy, with Ian Hunter, George Sanders, Felix Bressart, Curt Bois, Sig Rumann, Fay Holden, Lynne Carver, Edward Ashley, Diana Lewis and Herman Bing. W. S. Van Dyke II directs.

LITTLE NELLIE KELLY (play)... George M. Cohan's memorable New York stage hit, a-kinde with such nostalgic tunes as "You Remind Me of Your Mother" and "Everybody Works But Father." Judy Garland is in the title role, with George Murphy, Charles Winninger, Douglas McPhail and Arthur Shields in the cast. Norman Taurog directs.

HULLABALOO... Hilarious moments backstage in a radio station with the inimitable Frank Morgan heading the fun-making cast including Virginia Grey, Dan Dailey, Jr., Ann Morriss, Donald Meek, Felix Bressart, Leni Lynn and Larry Nunn. Edwin L. Marin directs from an original story by Nat Perrin and Dorothy Yost.

MARX BROTHERS GO WEST... the mad Marxes don boot and saddle to invade the rip-roarin' gold gulches where men are men and women are blondes. The Marx Brothers tried and tested their material before audiences as they did with "A Night at the Opera." Edward Buzzell directs, with cast including Marion Marin, Diana Lewis and Walter Woolf King.

TWO SONS... dramatic story of a power-loving District Attorney and how the inspiring influence of his children tips the scales of justice in favor of an innocent man.

A WOMAN'S FACE (play) ... powerfully poignant drama of a woman's quest for beauty after a life of disfigurement. Starring Joan Crawford in the adaptation of the French play by Francois de Croisset.

MAISIE WAS A LADY... Ann Sothorn's rising popularity in this now-famous screen character will be further enhanced in a sparkling new story.

FLIGHT COMMAND... Spectacular Navy aviation drama, thrill-packed with spine-tingling exploits of America's mighty air armadas, starring Robert Taylor with Walter Pidgeon, Ruth Hussey, Paul Kelly and John Shelton. Frank Borzage directs from original story by Commander Harvey S. Haislip and John Sutherland.

SING SING... teeming prison drama, based upon the story by Jonathan Finn and Harold Friedman, starring Clark Gable as the warden who dared to bring humanitarianism into his grim duty.

NEW HARDY FAMILY PICTURES... Continuance of the top entertainment quality in this outstanding family series, with Lewis Stone, Mickey Rooney, Fay Holden, Cecilia Parker, Ann Rutherford, Sara Haden in their familiar roles, based upon the famous characters created by Aurania Rouverol.

ZIEGFELD GIRL... glamorous cavalcade of American beauty, based upon story by William Anthony McGuire, starring Hedy Lamarr, Judy Garland and Lana Turner.

NIGHT IN BOMBAY (book)... starring Joan Crawford in Louis Bromfield's newest romantic novel, a fascinating story of a girl and two men against the exotic lure of India.

EX-MAYOR OF BOYS TOWN... sequel to the smash screen hit of last year, "BOYS TOWN", with Spencer Tracy and Mickey Rooney again starred.

I MARRIED AN ANGEL (play) ... starring Jeanette MacDonald and Nelson Eddy in the musical romance that thrilled Broadway, based upon the play by John Vaszary with book and lyrics by Rodgers and Hart.

THIN MAN'S SHADOW... starring William Powell and Myrna Loy in another adventure of the celebrated screen detective, based upon the famous characters created by Dashiell Hammett.

WITCH OF THE WILDERNESS (book) ... stirring romantic drama of what happens when sophisticated men and women find themselves facing primitive peril, starring Clark Gable and Lana Turner, based upon the novel by Desmond Holdridge.

THE YEARLING (book) ... Marjorie Kinnan Rawling's Pulitzer prize novel that has become one of America's literary masterpieces within a span of two best-selling years, the homespun tale of a man and a boy and a deer, to be filmed in Technicolor with Spencer Tracy starred. Directed by Victor Fleming of "Gone With the Wind" fame.

TONIGHT AT 8:30 (play) ... starring Norma Shearer. Noel Coward's sensational international hit.

THE WORLD WE MAKE (play) ... starring Norma Shearer and George Raft in the screen presentation of Sidney Kingsley's Theatre Guild stage production, based upon the Millen Brand novel, "Outward Room."

TROPICAL HURRICANE... sultry romance in the jungles, starring Robert Taylor and Ann Sothorn. Story by Wilson Collison.

TORTILLA FLAT (book)... John Steinbeck's fascinating portrayal of a quaint people, with Spencer Tracy starred in one of the most appealing characterizations of his brilliant career.

BABES ON BROADWAY... the bonfire team of Mickey Rooney and Judy Garland invades Broadway with an army of youth and talent that brings back the bright lights to the old White Way.

COME LIVE WITH ME... Hedy Lamarr and James Stewart teamed in a timely comedy of a beautiful refugee who seeks an American home. Clarence Brown directs from a story by Virginia Van Upp and Patterson McNutt.

DAWN'S EARLY LIGHT... starring Robert Taylor in the brilliant pageant of American history authored by Dorothy Thompson and Fritz Kortner.

FEELING LIKE A MILLION... bringing back the good old days of vaudeville, starring Eleanor Powell and Ann Sothorn in a story by Jack MacGowan.

BLOSSOMS IN THE DUST... story by Ralph Wheelwright of a woman whose inspiring life is dedicated to thousands of motherless children for whom she has found happy homes. Starring Greer Garson in a role recalling her famous Mrs. Chips characterization.

BILLY THE KID (book) ... action drama of the Southwest's famous desperado. From the novel by Walter Noble Burns.

(continued on following page)

LULU (book) . . . Booth Tarkington's "Presenting Lily Mars," story of the playwright who wrote his dreams... and fell in love with his dream girl. Starring Lana Turner.

TARZAN . Edgar Rice Burroughs' famous jungle romance flames with new action thrills. Johnny Weissmuller and Maureen O'Sullivan are featured.

SLIGHTLY MARRIED...starring Robert Montgomery in a madcap matrimonial mixup that starts when a husband and wife decide to test each other's fidelity.

MARRIED BACHELOR... story by Manny Seff of a marital relations expert who diagnoses his own domestic troubles. William Powell and Myrna Loy star.

DR. EPHRAIM McDOWELL . . . stirring saga of a pioneer physician who brings scientific enlightenment to a world of darkness and pestilence. Spencer Tracy will star.

HOW TO WIN FRIENDS AND INFLUENCE PEOPLE (book) . . . Dale Carnegie's famous book to be brought to the screen with an all-star comedy cast.

THE WORLD'S OUR OYSTER . . . based upon the famous Get-Rich-Quick-Wallingford character. Starring Clark Gable and Myrna Loy.

COMBAT CAR . . . drama of the army's mechanized forces, by Lawrence Kimble, with Wallace Beery starred as the veteran cavalry sergeant who has to give up his beloved horses for tanks.

THE MAN ON AMERICA'S CONSCIENCE...dramatic story by Alvin Meyer and Lowell Brodeaux. The tragic life of President Andrew Johnson who followed Abraham Lincoln into the White House only to face impeachment when he struggles to preserve the doctrines of the Great Emancipator. Spencer Tracy will star.

THE YOUNGEST PROFESSION (book) . . . by Lillian Day. This is a story of fans' adoration of film stars. Judy Garland plays the role of the star-struck youngster who launches a fan club.

GET A HORSE...comedy-drama by Herman Mankiewicz and Albert Shelby Levino, of the early days in the automobile industry. Starring Wallace Beery.

ARGENTINA...the Marx Brothers become wild men of the Pampas.

SEA OF GRASS (book) . . . saga of America's great wheat fields, from the novel by Conrad Richter, starring Spencer Tracy and Myrna Loy.

STRANGE HONEYMOON (play) . . . by Jacques Deval, starring William Powell and Myrna Loy in a Sun Valley setting, where two divorced couples meet in pursuit of happiness . . . and to escape each other.

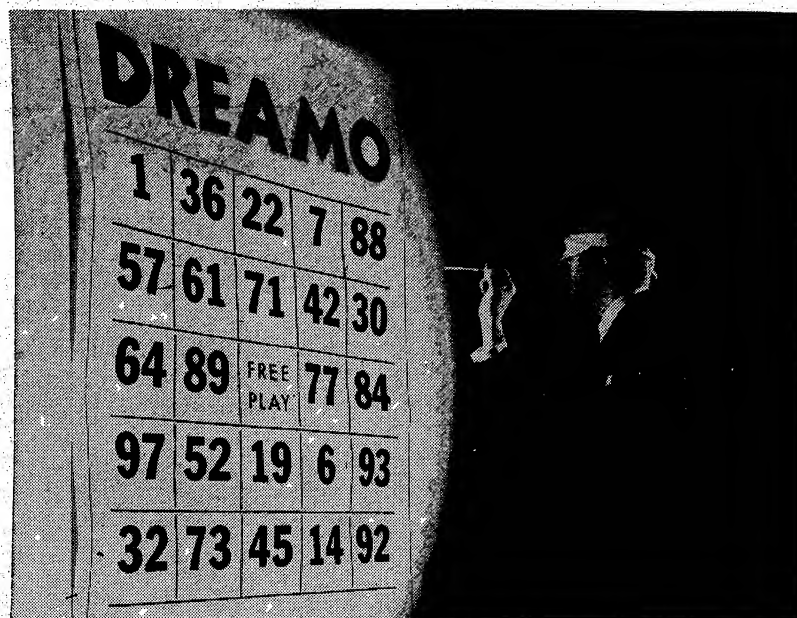
WINGS ON HIS BACK . . . Myles Connelly's story of a barnstorming aviator who writes love letters in the sky. Starring Jimmy Stewart.

BEAU BRUMMEL (play) . . . Starring Robert Donat in a screen adaptation of the Clyde Fitch play of the Eighteenth Century gallant whose adventures won for him a pedestal in the history of world romance.

CAUSE FOR ALARM (book) . . . exciting novel by Eric Ambler of international espionage and its sinister effect upon the fate of the world today.

RAGE IN HEAVEN (book) . . . James Hilton's powerful novel of a bitterly disillusioned husband who seeks, through his own suicide, to entrap his faithless wife.

ROAD TO ROME (play) . . . gay picturization of a modern Hannibal storming the gates of Rome, from the capricious play by Robert Sherwood.



DON'T PLAY DREAMO FOR PRODUCT!

Be sure with M-G-M in 1940-41!

Paris—In Memoriam

Paris, Aug. 22.
No buses or taxi transit, only metros (subways) and not much of those.

Most department stores shuttered.

'Jews Not Wanted' signs now appearing in shops throughout France.

Attempts being made to reopen the Comedie Francaise and Odéon.

French national radio orchestra safe in non-occupied zone.

All French papers now being published. Clermont-Ferrand. Germans prohibited papers published in non-occupied zone crossing into occupied territory, even if old and used to wrap packages.

Report that National Lottery was discontinued has been denied. Twelfth drawing presently on sale.

Deputy Tixier Vignancourt put in charge of radio and cinema for Vichy government.

Traffic lights again functioning in Paris, although traffic reduced nine-tenths.

Famed Republican Guard band now at Clermont-Ferrand. Expected to resume concerts shortly.

Bernard Fay, well known lecturer and author and professor in the College de France, named administrator of the National Library, replacing Julian Cain, formerly in charge of the Ministry of Information.

All secret societies, such as the Masons, outlawed in France.

Folies Bergere expected to open soon with most clothed show in its history and with German m.c.

National Federation of Hotel Keepers met at Lyons to study conditions brought on by defeat, such as food and alcohol restrictions, prices and even tourism. Similar meeting held in Paris for hotel keepers of occupied zone.

Hundreds of beautiful, expensive cars abandoned all along Franco-Spanish frontier.

'Les Hommes Nouveaux' (New Men), story of Marshall Lyautey's conquest of Morocco by Claude Farrere, revived in Vichy showcase.

Popular front 40-hour work week now boosted to 51 hours.

Sports making comeback in France, with Jacques Brugnon appearing in net tourney in Montauban.

For first time in history radio mike installed in French courtroom. Placed in Riom Supreme Court to broadcast trial of French 'responsibles'.

French are confused by latest German broadcasts entitled 'Frankreich Sagt 'Neine' Zum Leben' (France Says 'No' to Life'). Broadcast explains that 'France says no to soil, to peasant to plow, to child and mother. She says no to life. On our flag stands the sign of life, of the march into a new Europe, and in this sign we conquer.' Talks begin each day at 6:30 p.m.

HOYTS-GUT DEAL SEEN POSSIBLE BY OCTOBER

Melbourne, Aug. 14.
With a new perspective on government's powers under law covering manpower and finance control, indications are that stockholders in Hoyts will now agree to link with Greater Union as General Theatres, timed, so it's learned, to operate around next October, or, falling this date, Jan. 1, 1941.

Inside has it that the 20th-Fox majority interests in Hoyts are adding further pressure to link two loops.

PERFECTS NEW CAMERA

Tokyo, Aug. 18.
A new camera for water scenes, developed in the photographic department of the Asahi Newspaper (largest Jap newspaper in the Orient), has been tested in the Japan Sea. It's proved itself far superior to any other similar equipment, the paper claims.

London in Wartime

London, Aug. 22.
Lois Allen, wife and child to Canada; likewise Al and Bob Harvey, A. D. Peters in exec job with the Ministry of Food.

The Metropole (largest provincial hotel) and Grand, Brighton, have joined their fellow hostelry the Royal Albion, in shuttering for the duration.

Swaffer in the Daily Herald tells the story of a Guardsman swimming from the coast of Flanders with bombs dropping around him. 'Thank God it isn't raining,' he remarked to a pal.

Variety and legit stars are organizing Sunday shows to raise money to purchase planes.

Lady Yule and Oscar Deutsch are putting up \$240,000 for pix, all of whose profits will be given to the British Red Cross. Film will be made by British National Films and distributed by Anglo-American Films. Jerry Freeman, managing director of latter, staying in America to dispose of the American rights.

AUSSIE RELENTS ON COIN FREEZE

Sydney, Sept. 3.
To prevent any decline, all of the vaudeville-revue field in New South Wales, imported artists will be permitted to take earnings out of Australia under governmental say-so. As a result of this relaxation of coin freezing, the Tivoli chain now hopes to maintain steady flow of U. S. talent to this country.

Tivoli circuit, major user of such talent, has had difficulty importing highgrade acts from U. S. Theatre outfit recently went on a looksee for suitable acts among the local radio stations.

Former rule, passed by the government as a wartime measure, prohibited all imported artists, including British, from taking earnings out of Australia for the duration of the war. Similar measure has operated in New Zealand for some time. Result has been a fast ebbing of imported stars, with a complete shutout in New Zealand.

Sir Ben Fuller also had some ideas of importing talent lined up, but immediately nixed same when the government issued its coin edict.

British Outfit Plugs Pix as Sales Factor On Exportable Mdse.

London, Aug. 22.
Merchandising via films is being heavily plugged by British Films Institute in a drive on all export groups. Film appeal, as an interest-getter and ready-made salesman, is stressed by the Institute when contacting concerns active in export trade but prevented from shipping samples either because of bulk or war measure limiting goods sent out of England for sales purposes.

Standard footage and 16 mm. stuff for portable equipment are both listed by BFI as ideal on the selling end at a time when overseas business is vital to country's interest. Response to the drive is understood to be bringing inquiries to producers and projector outfits.

'Bottle Party' Club Also Is an Air-Raid Shelter

London, Sept. 3.
Latest in air-raid shelters is set right down within the precincts of one of London's class niteries, the old Cosmo Club. Filmdom's Wardour street. Place has been reopened, after six years, as a 'bottle party' haunt, but at the outbreak of hostilities was officially designated as a public shelter during raids and continues to function so in addition to the more personal lure.

Swank niterie accommodates 250 paying guests; its capacity as a shelter is listed at 330. There's cover charge for those only taking shelter.

Antip Exhibs Depend on U. S. Cos. More Than Ever for Supplies With Slackening of British Production

New Billing

Madrid, Aug. 22.
An indication of the times: The Hotel Franca, on the Gran Via (Road), has had its name changed to the Hotel Italia.

YANKS FROWN ON JAP BOND PROPOSAL

Suggestions that American film companies purchase Japanese government bonds if they want to secure use of the money which has piled up from distributing pictures in Japan during the last 18 months has been coldly received by distributors in N. Y. U. S. distrie have received no coin from Japan since 1937, the escrow plan agreed on to cover business up to the end of 1938 being for non-negotiable notes which aren't redeemable until 1941.

Fact that Japan has allowed only a limited number of pictures to enter that country from U. S., and that since early in 1939 any revenue from these has been retained in Nipponese territory, has prompted the cold-shoulder attitude. Foreign department executives do not consider the Japanese market itself that important to continue operations if they are not to receive the cash benefits. Japanese market is rated as 1% to 2% of total foreign business. Meantime Japanese currency has declined in value, representing a further paper loss for American film companies.

Mexico Piqued at Its Hoodlums for Spoiling Fancy U. S. Tourist Biz

Mexico City, Sept. 3.
The American tourist trade to Mexico is now worth about \$60,000,000 (Mexican) annually. This sum is the approximate amount left by some 150,000 annual tourists. And the pace would have been much better just now had not the summer of 1940 been partly spoiled by the bad publicity Mexican gangsters gave their country during the recent elections. Mexican business is understood to be considerably piqued at the losses this element of the population inflicted upon the travel volume.

Meantime Mexico anticipates better, more stable conditions. Horsing around at Mexico City and other pleasure attractions for tourists are expected. Gradual settlement of the oil, railroad and labor problems would also stimulate the influx of American money. Meantime there are various evidences of the Mexican government's disposition to encourage American ties. Perhaps the most significant development of 1940 was the unprecedented act of the Mexican government in renting the Palacio de Bellas Artes, the \$15,000,000 national theatre, to an American traveling musical revue company, A. B. Marcus, and the granting of matinee facilities in the same house to the so-called Pan-American theatre, an English-speaking acting company of 'little theatres' genre.

In the case of the Marcus show, the theatre was rented for the giveaway price of 300 pesos (\$60 American) a day, which scarcely pays for the lights. The English-speaking dramatic company has the one of the same theatre, one of the finest in the world, for nothing. Latest production of the Pan-American group is a spoof on American schoolteachers who 'discover' Mexico. It's called 'Manana Is Another Day.'

London Chorines Boosted

London, Aug. 22.
Agreement between Equity and managers boosts chorine wage to \$23. Means \$8 more.

By ERIC GORRICK

Sydney, Aug. 14.
Fortunately zoned away from the actual war areas, Australian show biz is keeping up a very healthy tempo, and in the war keeps the Pacific there is every reason to believe that this tempo will continue. Today, Aussie showmen are going about their business of providing entertainment for the public, and, at the same time, assisting the government in every way to build the nation's war resources. Highly appreciative of U. S. aid, nevertheless the Aussie government has been forced to impose restrictions in order to conserve dollar exchange. Hence, U. S. distributors, the backbone of Aussie product supply, with no other option, have been compelled to leave 50% of rental earnings frozen here for the duration of the war. Radio, too, fared very heavily when the government passed a law prohibiting the importation of wax fare, and U. S. publishers also took a heavy knock with the almost complete wipeout of fan and pulp mags.

While the public is with the government in its financial policy, indicated by recent purchase of \$44,000,000 worth of war-saving certificates, plus a huge flow of commercial and private wealth into long-term loans, there's still ample coin about for entertainments, with laughter fare the most sought after. Although the Aussies are strongly pro-British, nevertheless they remain U. S. pic-minded. With the sea-lanes wide open, Australia is maintaining a constant flow of primary products to England.

U. S. the Mainstay

Today, as never before, Aussie showmen are dependent upon the U. S. for product to keep open their 1,500 pic theatres, carrying investments of some \$160,000,000, and providing entertainment for approximately 5,000,000 weekly, due to the ease in British production.

Coin freezing is one of war's bugaboos to neutrals. Presently, there's some local talk of U. S. distributors becoming interested in the local production field in an endeavor to unfreeze coin presently held. It has been suggested that, with local studios stalled on production through lack of any further governmental assistance, a step-in by U. S. units to produce programmers for use here and elsewhere would be a timely move, one most pleasing to the government, and probably being the means of overcoming the freeze situation. Homebased producers point out that, with Clipper air service taking six days from U. S. a director and a couple of players could be brought over for production without much time loss.

Being far removed from air raid dangers has meant for Aussies a complete freedom from curfew restrictions, and since the outbreak of war pic houses have maintained

(Continued on page 48)

FRENCH SURESEATER SWINGS TO SPANISH

Fifth Avenue Playhouse (N. Y.) swings over to Spanish pictures this month, abandoning its old policy of French features and other European makes. House will launch a season of 'Latin-American' pictures with 'Time in the Sun,' produced by Marie Seton from film photographed and directed by the Eisenstein-Tisse expedition to Mexico.

S. M. Eisenstein, Russian director, compiled most of the footage several years ago.

'Rebecca's' 22G Creates 4-Week Mex Precedent

Mexico City, Sept. 3.
'Rebecca' (UA) grossed \$22,000 in a solid run of four weeks at the Cí Teatro Alameda, swank local first-run house.

Gross is extraordinary for these acutely depressed economic times in Mexico. Other pix have done better here, but in other times. Yet no other film has remained for four weeks solidly at one stand here.

Rydge Seeks M.P.

Sydney, Sept. 3.
Norman B. Rydge, chairman of Greater Union Theatres, all-Australian film theatre circuit, is seeking a seat in the Australian parliament in the September elections.

Robert Menzies, presently heading the United Australia Party in control in Australia, is seeking reelection as premier.

GOV'T CONTROL SOUGHT FOR MEX PIX

Mexico City, Sept. 3.

Placing the pic industry under the direct control of the federal government is urged in a resolution adopted at the convention here of the national cinematographic workers' union. Workers declared that federalization of the biz is the only way to keep it from going entirely to pot. They figure that federalization is enabling the oil biz and the National Railways to keep going the same benefit, will fall to films.

The pic workers got the word of honor of Congressman A. Zapata Vela, a friend of labor, who sat in on the sessions, that he will champion the federalization cause during the new congress which got going Sept. 1. The convention was blessed by Vicente Lombardo Toledano, Mexico's labor czar, who lauded the pic workers and what they are doing.

The workers also determined again to remind the government of its promise, made some time ago, to lend coin and other aid toward founding a bank here to finance the pic biz. This bank and federalization, the workers argue, are about all that are left to keep the biz going.

London Furthers Plan for Gov't Aid To Pic Producers

London, Aug. 22.
Government's war-risk insurance plan for picture makers is set and details are understood due for release. So far as can be gathered, producers will be backed at a low premium. Scheme is to be confined to feature-length product, briefers makers being left for later consideration, if any.

Basic principle of the insurance plan is to provide answer to backers' unwilling to invest in British films while faced with war risk and upped production costs arising from delays and damage through enemy action. Government coin will indemnify against all loss within these categories—a type of policy commercial houses would sidestep or issue at an impossible premium rate.

Aussies Push Gov't Aid

Sydney, Aug. 14.
Looks as though home producers, with bow-out of government coin for feature-length pix, will further pressure government officials on financial backing for shorts to be used as propaganda around this territory. This way is seen as only means to keep studios operating, unless, of course, British producers accept invitation to transfer their activities here for the duration.

20th's Morgan in N. Y.

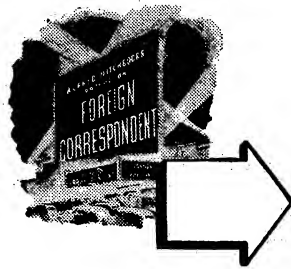
William B. Morgan, managing director of 20th-Fox's Paris office, arrived in New York by boat over the weekend.

His arrival about washes up the company's organization in France.

Build Two New Mex. Theatres

Mexico City, Sept. 3.
A civic comedy theatre and a 5,000-capacity auditorium for theatricals to be built here late this year by the municipal government.

Who says FOREIGN CO is The Best



BUSINESS PROVES IT!

NEW YORK CITY, RIVOLI...

Nothing even closely approaches its sensational performance! This 1,900 seat house plays to 90,000 admissions for first week. Held over for indefinite long run.

CLEVELAND, LOEW'S STATE...

Tops season's best opening record. Moves over to Stillman for continuous first run.

ROCHESTER, LOEW'S...

Standing-room crowds cheer it at every performance! In four days it beat the average full week's gross by more than 50%.

LOUISVILLE, LOEW'S STATE...

Fourth day topples big opening day figure by \$400. Continuous indefinitely at Brown Theatre

ASBURY PARK, PARAMOUNT...

New season's record falls to "Foreign Correspondent" as picture holds over at the Mayfair.

MONTREAL, LOEW'S...

First four days beats any picture house has played for past year by \$3,800. Held over!

OTTAWA, ELGIN...

Hits highest gross of any picture in two and a half years. Sunday all time record for money and attendance. Held over indefinitely.

Walter Wanger presents
ALFRED HITCHCOCK'S
production of

RESPONDENT

Picture of The Year?



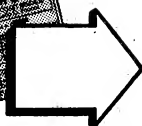
"A formidable contender for best movie of the year!"

—Life Magazine



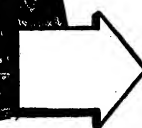
"Easily one of the finest pictures of the year!"

—Time Magazine



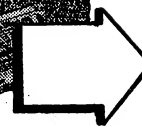
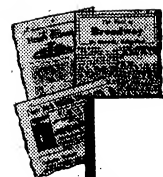
"The most sensational picture this reviewer has seen this year. Wowie, what a movie!"

—Louella Parsons, International News Service



"You'll never see a more exciting movie for this is one of the real film events of 1940!"

—Liberty Magazine



"One of the best pictures of the year!"

—New York Herald-Tribune

"It's the thriller of the year!"

—New York World-Telegram

"The most exciting film of the last six months!"

—Dorothy Kilgallen, New York Journal-American

FOREIGN CORRESPONDENT

From ALFRED HITCHCOCK, who directed "Rebecca"

starring
JOEL McCREA

with
LARAINÉ DAY HERBERT MARSHALL GEORGE SANDERS ALBERT BASSERMAN ROBERT BENCHLEY

Released thru **UNITED ARTISTS**

COLORADO

COLORADO (WITH SONGS)

Requella release of Joseph Kane production. Directed by Kane. Features Roy Rogers and John Wayne. Story by George Tibbels; play, Louis Stevens and Harrison Jacoby; camera, Jack Mark; editor, Edward Mann; musical director, Cy Young; song, Pete Yungling. Reviewed in Projection Room, 67 MINS. Aug. 30, '46. Running time, 67 MINS.

Jerry Hurke.....	Roy Rogers
Clayby.....	George Tibbels
John Wayne.....	John Wayne
Captain Mason.....	Clayby
Bela Blac.....	Milburn
Blade Blac.....	Blade Roberts
Waver.....	Blade Roberts
Sum.....	Blade Roberts
Waver.....	Blade Roberts
Sanford.....	Lloyd Ingraham

There's a possibility of understanding how two different film companies can turn out similar stories, but there's no explanation sufficiently valid for Republic's coincidental release, within a period of several weeks, of two yarns dealing with the same theme.

'Wagons Westward' is a western released recently by Republic and pertaining to two brothers on opposite sides of the fence; at this time it's 'Colorado,' featuring Roy Rogers and George 'Gabby' Hayes, and like 'Wagons,' when Chester Morris was detailed to capture his crooked twin brother, Rogers in 'Colorado' must be fighting his fiend, who had been treacherous to the Union cause during the secessionist conflict. The incidence is startling even as to the romance, where the righteous brother wins the gal from his less discriminating frater.

Direction and acting have been handled none too steadily, with Rogers being notably in absentia wherein his thesping is concerned. Joseph Kane's direction, despite the 57-minute running time of the picture, hasn't overcome a lagging tendency.

George "Gabby" Hayes, Milburn Stone and Maude Eburne handle their roles as well as can be expected under the unfavorable circumstances, while Pauline Moore, a newcomer, as the romance, is much too fictitious in her mannerisms. Even Rogers' tenoring won't save this one.

Continued from page 2

would be satisfied if they were kited as high as the 'Boomtown' b.o. fig-

'Raising prices is about the only way we can break even these days on the high-priced pictures,' he said.

Songwriter

The 20th-Fox head was accompanied on the above-the-clouds flight by Irving Berlin, who told the press he would remain in New York for the fall, and hinted a musical show was on the way. Berlin spent only four days on the West Coast before rushing back. He refused to drop a word about the show that he has in mind.

Director

Without trace of slung mud, Al-fred Hitchcock ambled off a strato-liner at noon and at 2 p.m. went up a creaking gangplank to a Canadian colonial Airways liner last Wednesday. He flew in from California and out to Ottawa by way of Montreal for the Canadian premier of "Foreign Correspondent". He told reporters he thought he had sufficiently answered the guy in London who nastily-cracked a few days ago about a certain roly-poly British director now in Hollywood instead of being at home backing up the war effort.

Reversing his props and wings, Hitchcock took in the city and the mountains and already have begun the Mrs. Lombard relay on "Monte and Mrs. Smith".

'DuBarry' to Miami
No longer 'DuBarry,' but quite unmistakably still a lady judging from the stares of the male contingent at the airport, Ethel Merman bought herself a ticket for Miami and sailed out on Eastern Air Lines early in the week, leaving her starring role in the Bert Lahr show to her understudy.

Among the hundreds of eager reservationists at Lisbon, hopefuls awaiting passage to America on the Clipper ships, are Otto Strasser, German writer and arch-enemy of Hitler, and his brother, Bernard, a Benedictine monk.

Helen Jepson, injured in an automobile accident in California shortly after landing there in an American Airliner, Mercury, came close to missing her plane at this end. She was knocking over a small cup of coffee in the first-floor restaurant of the Administration building at departure time, and not until she was paged over the loudspeakers did she realize how late it was.

June Preisser and her former partner-sister, Cherry (now Mrs. David Hopkins, d-i-l. of Harry Hopkins) were visiting freemen at the airport Friday.

As his contribution to the group of higher cost and potentially higher grossing films for the new fall season, Frank Lloyd has produced 'The Howards of Virginia,' a Colonial period melodrama dealing with events leading up to and through the Revolutionary War, starring the reliable Cary Grant and the newcomer, Martha Scott. It is an elaborate, expensive picture, replete with the production niceties and human-interest touches which distinguish the Lloyd output.

Its principal concern, however, is about British oppression of the early American colonies, and the consequent uprising against tyranny. Coming to the public at the moment when current world events are drawing England and America into an international embrace of friendship and brotherly love, based on closest mutual interests, it would be difficult to find a theme more out of tune

A lobby display poster of Patrick Henry shouting for liberty or death in protest against British foreign policy stupidities doesn't jibe with page-one news of united military hemisphere protection against Hitler. Somewhere in the philosophic background of the picture there may be a parallel for patriotic contemplation, but it is never visible. 'The Howards of Virginia' is propaganda in reverse English, a piece of baffling showmanship and an exhibitors' box-office problem.

As a film entertainment it is well above average in quality of production, acting and the mechanical accoutrements. Much of the action takes place in Virginia's early capital, Williamsburg, and Lloyd made many of his scenes in the remaining years of the Colonial city with its interesting buildings, walks and common. Important debates are pictured in the House of Burgesses, and the fictional characters move easily in the company of the historically great such as Thomas Jefferson and Patrick Henry. The photography throughout is excellent and Howard Hester's man's musical score shows careful research and expert timing.

Plot is the familiar domestic conflict between the youth of rugged backwoods upbringing and the damsel of high city breeding who join to battle the frontier dangers and subdue its opportunities. Story is based on 'The Tree of Liberty,' by Elizabeth Page.

In the hero role, Grant gives robust, convincing performance and carries the action at a rapid and absorbing pace through the first half of the film. He is so convincing that he is centered on him and Miss Scott during their frontier experiences, the film has freshness, charm and a certain boisterous humor, both in situations and in dialogue. The historical episodes are the historical passages, the re-hash of the Stamp Act riots, and the Boston Tea Party. So intense is the Sidney Buchman, the scenarist, in recreating the scenes that he makes it so that the lives and loves of his character actors are smothered under march songs, redcoats, impassioned political debates and privations of Valley Forge.

This is Miss Scott's second major role in the past two months, and it's a striking contrast to the heroine in 'Our Town.' She has youth, look and a potent sense of comedy in her favor. She gives a good performance in a role that has many artificial handicaps.

Others in the cast have rather static parts. Sir Cedric Hardwicke is a deadpan villain, Alan Marshall gives nothing to a ne'er-do-well, and Richard Carlson makes Thomas Jefferson a supporting player in events which he fashioned and directed. Lesser but satisfying bits are played by Elizabeth Risdon, Paul Kelly and Irving Bacon.

Exhibitors who have this one on their list might do well to start their campaigns far in advance of play dates. Fin.

'Dr. Kildare Goes Home' will raise the popularity of the series a few notches with theatre patrons generally. It's good entertainment on upper-bracket program rating, and will catch a goodly share of tonedualer slots, especially in the family houses.

Picture combines the usual formula setup which has been successful in the series' predecessors. There's the strong affection between the sincere young medic, Lew Ayres, and the irascible diagnostician, Lionel Barrymore. Romance is continued between Ayres and nurse Laraine Day, while the yarn takes the principals to Ayres' home town to present both a medical crisis and mild propaganda for socialized medicine in a small community. Story prescription is mixed well to provide palatable entertainment.

Ayres graduates from his hospital internship to become an accepted M.D. and is then appointed assistant to the chief of the hospital. He will serve two purposes of the scripters for future releases of the series. It retains the strong commercial appeal of the first picture, and will allow the pair to expand their field on medical research and accomplishments beyond the walls of the hospital where they met. The major location up to this picture.

Ayres, Barrymore and Miss Day continue their excellent character work. The latter is especially good. Lockhart provides a strong portrayal as the rural merchant whose life is saved by Ayres' diagnosis and treatment. The picture is well rounded, supporting cast back again include Samuel S. Hinds, Nat Pendleton, Emma Dunn, Alma Kruger, and others.

Direction by Harold S. Bucquet is smooth throughout, and neatly blends the dramatic and human factors in the story with timely comedy interludes.

(WITH SONGS

Hollywood, Aug. 30.
Universal release of Ken Goldsmith production, *Stars Ritz Bros.* and *Andrew Sisters*. Features Constance Moore, George Reeves, Peggy Moran, Anne Nagel. Directed by Albert S. Rogell. Screenplay by Arthur T. Horman, Ray Golden and Sid Chaplin; original by J. Robert Brown and Gladys Alster; camera, Elwood Iredell; editor, Frank Gross; asst. director, Joseph A. McDonough. Songs, Sammy Cahn, Saul Chaplin, Sid Kuller, Ray Golden, Hank Bornie, Don Ruyter, Hughie Glenn, Victor Young. Previous release, *CO* release, *I.A.S.* Aug. 29, '40. Running time, 70 minutes.

[illegible]

The Ritzes provide plenty of horseplay and broad antics in their crazy romp through the piece, but steer clear in the main from the old and familiar routines to hand the some new gag material provided by the scripters. The typical Ritz mugging, popeyeing and gestures are here, but greatly subdued compared to past film appearances. Added are several tapnotch comedy episodes that are basic laugh-getters including their masquerade of the Andrews Sisters singing a number, and business with a four-foot sandwich loaf.

The Andrews girls sing and swim in three tones, 'Oh, He Loves Me When I Am a Blue Bird', 'Rhumboogie,' and 'Hit the Road' in their typical rhythmic-melodic style. The Ritz Brothers handle two comedy tunes, 'Spirit of '77-B,' and 'Brooklynonga.' Constance Moore sings two, 'Once Upon a Dream,' and 'Hall of the Mountain Queen,' and newcomer George Reeves leads a gaucho chorus for 'Amigo, We Go Riding Tonight.' Story is only an excuse on which to hang the adventures of the Ritz Bros.' expedition with a girl band to the Argentine. Broke when the

start out, and broke on arrival, the aggregation clicks to save the host of a couple swindled by a confident operator. On this framework is constructed a series of gags and musical numbers that flow fairly well. Peggy Moran and Anne Nagel, though getting featured billing, are briefly seen as members of the band. Al Rogell directs capably, despite obvious signs of elements and talent provided at the takeoff. Script material concocted by Arthur Norman, Robert Golden and Sid Kuller is decidedly hokey in many spots, but it's of some fielding the roasting of cream in milk among the general audiences in one or less volume. **B** *Walt.*

Hollywood, Aug. 31

Paramount release of George Arthur production. Stars John Blonder and Frances Ford. Story by George Arthur and Frank Fay, Jessie Ralph, Conrad Nagel. Directed by Ralph Murchey. Screenplay by Frances Butler, based on story by Adeline Rogers and George Arthur. Music by George Arthur. Stone: u.s.s.i. director, George Templeton. Previewed at Paramount, L. A., Aug. 14, 40. Running time, 92 MINS.

Geraldine (Jenny) Brokaw.....John Blonder
Alfred (Al) Brokaw.....Frances Ford
David Holland.....Glenn Dickson
Jeff Gilman.....Frank F. Conroy
Grandpa.....Harrie Lane
Gardner.....Brokaw
David Holland, Sr.....Conrad Nagel
David Holland, Jr.....Mickey Kuhn
Conrad.....Conrad Nagel
Erskine Brandon.....Sidney Blackman
Selectine.....Louise Beavers

'I Want a Divorce' covers practically all phases of the divorce problem in a drama that carries preachment against the legal cutting of marital ties. Interwoven is some neatly concocted and easily recognized man-and-wife relations—starting with the budding romance and running through the early marital years to a nearly fatal separation crisis.

Pictur is an above-average pig programmer that will groove for normal biz as bill-topper where starring combo of Joan Blondell and Dick Powell can serve as marquee attractions. Subject-matter will also carry goodly share of women trade and added grosses. Overall, it's satisfactory entertainment for the ad trade, despite bump tempo in past and the sudden swing from light, marital comedy in the middle to rather tragic dramatic conclusion.

Story gets away to a slow start depicting the uncontested divorce of Gloria Dickson from Conrad Nagel and the problem of their young son. The story is told in a series of chapters. Miss Blondell and Powell fall in love and marry on his meagre salary as a budding attorney. Frank Fay provides the excuse for him to laze into the divorce field against the odds. The wife and her mother-in-law reigns, the couple drift apart until faced with the inevitable separation. Some timely advice from grandpa (Jesse Ralph), and the tragic case of Jessie Dickson after a failed suicide attempt. Finally, the young man's husband, brings both husband and wife to their senses.

Picture is at its best in unfolding the domestic adventures of M. Blondell and Powell. Comedy, both situations and lines, is spontaneous and effervescent, providing plenty of good humor for the audience. There's sufficient material on the light side to overcome strained dramatics of the start and finish.

This is Dick Powell's first assignment in a non-singing role, handles the straight role in *Capa*, fashion, displaying ability to take both dramatic and comedy sides with equal ease. He is characterized by Miss Blondell's talents as a comedienne are spotlighted in an exceptional performance of uniform excellence.

Frank Fay backs in for a new stint in *Capa*, but he rolls along predictably. Cast as a fighting enthusiast and friend of the couple, he romps through a fine delineation that will catch the eyes of casting directors henceforth. Jessie Ralph and Hal Cavenport are effective as the happy couple. The picture is a well-fashioned marriage, providing much light moments. Conrad Nagel, Gladys

A rube-on-Broadway business this and not very well done, with all due respects to the ability of George M. Cohan, who authored the original play from which 'Ladies Must Live' was taken. Writing department seems to have had trouble making up its mind, and the story is so gnawed by the time it gets around the house mark it folds up in its own miseries.

It's a tempest, and he's off with Wayne Morris, giving every evidence of being a country dandy. And then throws him into a dress suit and night clubs, perches him on the shoulders of the lovely Mary Lane, a chirper of the lesser variety. White Way niteries, turns into veritable rubber at the sight of a mild-mannered, middle-aged fellow who's the gold-digger, big the works. She turns out very respectable, and won't accept a thing under a \$400,000 necktie. The large lady is a little bit of a personality, a bit with big talk, gets hired by Morris, no questions asked, for fifteen grand a year, and Miss Lane, who's a little bit of a thing, tells him 200 grand on a can opener, he's patented. Then everybody turns out legit in the end—which is tenable, repudiable, and so on. The song is "Rosemary and Rue," sings two songs, and looks her best while doing them. They are 'I Could Make You Care' and "It Shows You What Love Can Do."

RKO release of Lee Marcus production
 Features Brian Lyons, John McGuire, Mux

Features: **Peter Lorre**, **Clive Brook**, **Charles Waldron**. Directed by **Boris Ingster**. Story and screenplay by **Frank Partos**; music, **Roy Webb**; edited by **Harry Marker**; camera, **Nicholas Musunich**. Special effects, **Vernon L. Walker**. Release, **N. N. York**, Aug. 31, '40. Running time, 67 MINS.

The Stranger..... **Peter Lorre**
Michael..... **John McGuire**
Jane..... **Margaret Tallchief**
District Attorney..... **Charles Waldron**
Joe Krane..... **Ellis Coo**
Wendy..... **Charles Halton**
Mrs. Briggs..... **Ethel Griffie**
Marlin..... **Cliff Clark**
The Judge..... **Oscar O'Shea**
District Attorney..... **Charles**
Police Surgeon..... **Otto Hoffman**

They haven't done right by Peter Lorre in this picture. He's so superbly ordered in the story that his character acts amounts to a lot of which people can't see. The screen test for John Guire, unknown from N.Y., and Margaret Tallichet, but for the box office it is extremely mild dual fare. It's fluff, and it's not a bad thing. The ending is too humdrum for others. "Stranger on the Third Floor" is necessary for fancy camera effects, and it's a good idea to see the main characters' desultory 'B'. Many of the street sets scream their artificiality. Coupled with these backgrounds are some equally phony situations and stilted acting of the little neophyte NYers.

Yarn concerns a stern newspaper reporter whose testimony proves the circumstantial evidence that convicted an innocent man. The familiar article of placing the scribe in parallel plight, with the newspaperman arrested for two slayings and only clearing himself because of his sweetheart's persistent search for the real slayer, is used.

Peter Lorre, cast as the maniacal murderer, is not seen for nearly two reels. It is only in the final footage that he has much of anything to do. By that time, the picture has lost its momentum. Absence of action and humor is a further handicap.

Lorre is superb in his characterization, but is so submerged that his performance will disappoint. McGuire, as the newspaper man, needs considerably more grooming with the RKO stock company while Miss Tallichet is not so passable. Charles Waldron makes an acceptable d. w. Ellis. Cook, Jr., is satisfying in the role of the innocent man railroaded to jail. Ethel Griffes and Charles Hallahan provide excellent character parts.

Boris Ingster's direction is too studied and, when original, lacks the flair of his attention.

Walker's special effects highlight several scenes.

W.C.

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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 reviews as given in VARIETY and the running time of prints are included.)

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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

M—Melodrama; C—Comedy; CD—Comedy-Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical

WEEK OF RELEASE	Rev. in Var.	TITLE AND COMPANY	TYPE	TALENT	R. T.
7/5/40	7/10 7/3	OUT WEST WITH PEPPERS (Col) ANDY HARDY MEETS DEBUTANTE (M-G)	C C	E. Fellows-D. Peterson M. Rooney-L. Stone-J. Garland	63 87
	5/29	GOLDEN TRAIL (Mono)	D	R. Ritter-G. Burnett	52
	6/26	WAY OF THE WILD (Par)	C	A. Tamiroff-G. George-W. Henry	82
	7/3	DR. CHRISTIAN MEETS WOMEN (RKO)	CD	J. Hershoff-E. Kennedy-D. Lovett	65
	7/3	SAILOR'S LADY (20th)	CD	N. Kelly-J. Hall-J. Davis	67
	6/12	PRIVATE AFFAIRS (U)	CD	H. Herbert-N. Kelly-R. Young	72
	7/3	MAN WHO TALKED TOO MUCH (WB)	D	G. Brent-V. Bruce-B. Marshall	76
7/12/40	7/10 7/10 7/10 6/5	SPORTING BLOOD (M-G) SCATE COACH WAX (Par) STAGGERBUSH (Rep) MANHATTAN HETEBEAT (20th)	D W W CD	L. Stone-R. Young-W. Gargan R. Boyd-R. Hayden-B. Wood C. Carver-L. Haydon-J. Donnelly CD R. Sterling-V. Gilmore-J. Davis	81 70 71 71
	6/26	BLACK DIAMONDS (U)	M	R. Arlen-A. Devine	60
		MY LOVE CAME BACK (WB)	ED	O. de Havilland-E. Alberti-J. Wyman	81
7/19/40	8/7 7/17 7/17 6/28 7/3 7/17 8/14 9/4	MILITARY ACADEMY (Col) HAUNTED HOUSE (Mono) WE WHO ARE YOUNG (M-G) CAROLINA MOON (Rep) CROSS COUNTRY ROMANCE (RKO) MARYLAND (20th) SOUTH OF PAGO PAGO (UA) SON OF ROARING DAVE (U) LADIES MUST LIVE (WB)	D D CD CD RD RD D C W	T. Kelly-B. Jordan M. M. Jones-J. Moran L. Turner-J. Shelton-G. Lockhart G. Antry-S. Burnett-E. Storey G. Raymond-V. Barrie W. Brennan-F. Bainter-B. Joyce V. McLaglen-F. Farmer-Jon Hall J. M. Brown-F. Knight-R. Baker W. Morris-R. Lane	66 76 78 76 79 80 100 80 58
7/26/40	8/7 8/21 8/21 6/26 8/21 7/17 7/17	BLONDIE HAS SERVANT (Col) BOYS OF THE CITY (Mono) OLD RIVER MAISIE (M-G) UNTAMED (RKO) STAGE TO CHINO (RKO) MILLIONAIRES IN PRISON (RKO) YOU'RE NOT SO TOUGH (U)	C C C RD W M M	P. Singleton-A. Lake M. East Side Kids A. Sather-L. Bowman-V. Welder RD R. Milland-P. Morison-A. Tamiroff W. G. O'Brien-V. Vale L. Tracy-L. Hayes-V. Vale M. Dead End Kids-N. Grey	66 63 68 81 52 73 81
8/2/40	8/7 7/10 8/28 8/7 7/17 7/24 8/14	LADY IN QUESTION (Col) PRIDE AND PREJUDICE (M-G) GOLDEN GLOVES (Par) THE SEA HAWK (Par) QUEEN OF DESTINY (RKO) THE MAN I MARRIED (20th) RANGER AND THE LADY (Rep) SOUTH TO KANAKA (WB)	C RD M RD RD ED ED RD	B. Aherne-R. Hayworth-G. Ford G. Garson-L. Olivier-M. Boland R. Denning-J. Cagney-R. Falge H. Wilcox-L. Lant-D. Stevens A. Neagle-A. Walbrook J. Bennett-F. Lederer R. Rogers-G. Hayes-J. Wells C. Bickford-J. Craig-L. Desai	78 117 89 89 67 76 59 62
8/9/40	8/14 8/7 8/7 8/21 8/21 7/10 7/10 8/7 8/28	THE SECRET SEVEN (Col) I LOVE YOU AGAIN (M-G) DOOMED TO DIE (WB) CHAMBER OF HORRORS (Mono) ONE CROWDED NIGHT (RKO) GIRL FROM AVENUE A (20th) STREET OF MEMORIES (20th) CAPTAIN CARBON (Par) BOYS FROM SYRACUSE (U) SING, DANCE, PLENTY HOT (Rep) RIVER'S END (WB)	M CD W M CD CD RD MU MU MU	B. Bennett-F. Bright W. Powell-M. Loy-F. McHugh D. B. Karloff-M. Reynolds M. Banks-L. Palmer-G. Malt M. Seward-D. Costello-W. Haide CD J. Withers-K. Taylor-K. Aldridge RD J. McGuire-L. Roberts V. V. Maturo-L. B. B. Cabot A. Jones-M. Ray-J. Penner R. Terry-J. Downs-B. Allen M. D. Morgan-E. Earl-V. Jory	69 47 62 61 67 71 72 71 72 69 72
8/16/40	8/28 8/21 8/21 8/14 9/4 7/24 8/14 8/28 6/12	THE DURANGO KID (Col) GOLDEN FLEEING (M-G) LAUGHING AT DANGER (Mono) COMIN' ROUND THE MOUNTAIN (Par) STRANGE FLOOR (RKO) RAMPAUTS WE WATCH (RKO) RETURN OF FRANK JAMES (20th) FOREIGN CORRESPONDENT (UA) ALL THIS, HEAVEN TOO (WB)	W CD M M D D RD RD D	C. Staret-L. Walters L. Ayres-R. Johnson-V. Grey F. Darro-J. Hodges-G. Huston B. Burns-U. McNeil-P. Barrett F. Darro-J. McGuire-L. Valchelt D. March of Time production H. Fonda-A. Leeds-J. Cooper J. McCrea-L. Day-R. Marshall B. Davis-C. Boyer-B. O'Neill	64 61 61 62 63 85 92 119 140
8/23/40	8/14 8/21 8/21 8/14 7/24	HE STAYED FOR BREAKFAST (Col) MISSING PEOPLE (Mono) ARIZONA BUSTERS (Mono) RANGE BUSTERS (Mono) THE GREAT McGINTY (Par) LUCKY PARTNERS (RKO) PIER 13 (20th) THE SEA HAWK (WB)	CD CD W W W D D D	M. Douglas-L. Young-U. O'Connor W. Fyffe-L. Harding-K. Walsh T. Ritter-S. Andrews-E. Finley W. Corrigan-K. King-L. Walters C. Donlevy-M. Angelus-A. Tamiroff C. G. Rogers-R. Colman-F. Wray D. L. Bari-L. Nolan-J. Valerie E. Flynn-B. Marshall-C. Rains	84 86 86 81 81 97 98 127
8/30/40	8/28 8/7 7/17 8/21 8/28 8/7 8/28	PEPPERS IN TROUBLE (Col) QUEEN OF THE YUKON (Mono) BOOM BOOM BOOM (RKO) YOUNG PEOPLE (20th) RHYTHM ON THE RIVER (Par) DANCE GIRL, DANCE (RKO) THEY DRIVE BY NIGHT (WB) OKLAHOMA HORADES (Rep) KIT CARSON (UA)	C C CD CD C C M W W	E. Fellows-D. Peterson-R. Sinclair C. Bickford-L. Rich C. Cable-T. C. Colbert CD S. Temple-J. Oakie-C. Greenwood C. Crosby-M. Martin-B. Rathbone D. M. O'Hara-L. Hayward-L. Ball M. K. Alt-A. Sheridan-H. Rogart R. Livingston-R. Hatton-D. Renaldi L. Bari-J. Hall	95 95 117 82 92 88 93 95
9/6/40	8/7 9/4 9/4 8/21 8/28	LIFE WITH HENRY (Par) CHAN AT WAX MUSEUM (20th) FUGITIVE FROM PRISON CAMP (Col) DR. KILDARE GOES HOME (M-G) UP IN AIR (Mono) WHO IS GUILTY (Mono) ARGENTINE NIGHTS (U) RIDE, TENDERFOOT, RIDE (Rep) MEN AGAINST THE SKY (RKO) CALLING ALL HUSBANDS (WB)	C C M RD M M MU RD RD C	J. Cooper-L. Ernst-E. Bracken S. Teller-S. Yant-J. Valerie J. Holt-M. Marsh L. Ayres-L. Hayworth-M. Day F. Darro-M. Moreland R. Lyon-B. B. B. Cabot Rita Bros-Andrews Sisters G. Antry-S. Burnett-J. Storey R. Dix-K. Taylor-V. Barrie C. Tobias-L. Fairbanks-E. Truex	58 76 56 78 66 72 72 66 73
9/13/40	9/4	HOWARDS OF VIRGINIA (Col) WYOMING (M-G) THE APE (Mono) I WANT A DIVORCE (Par) GIRL FROM HAVANA (Rep) DREAMING OUT LOUD (RKO) PUBLIC DEB NO. 1 (20th) HIREN' WIFE (WB) NO TIME FOR COMEDY (WB)	D W W W RD RD CD C C	C. Grant-M. Scott W. Beery-L. Carrillo-A. Rutherford Boris Karlo J. Blundell-B. Powell-G. Dickson RD D. O'Keefe-C. Carleton-V. Jory C. Lum and Abner-F. Langford G. Murphy-B. Joyce-E. Maxwell E. Russell-B. Aherne-R. Benchley J. Stewart-E. Russell-C. Eggle	115 87 87 87 87 87 70
9/20/40		WIZARD OF DEATH (Col) STRIKE UP THE BAND (M-G) THAT GANG OF MINE (Mono) I'M STILL ALIVE (RKO) COLORADO (Rep) YESTERDAY'S HEROES (20th) MUMMY'S MYSTERY (U) RAGTIME COWBOY JOE (U) THE WESTERNER (UA) CITY FOR CONQUEST (WB)	M MU MU RD W CD W W W W	B. Karloff-E. Keyes M. Beany-J. Garland-J. Freisser B. Jordan-L. Gorcey K. Taylor-L. Hayes-R. Morgan R. Rogers-G. Hayes-P. Moore E. Sterling-J. Rogers-R. Gleason D. Fagan-P. M. M. Ford J. M. Brown-N. O'Day-F. Knight G. Cooper-V. Brennan-D. Davenport J. Cagney-A. Sheridan-F. Craven	
9/27/40	8/7	ANGELS OVER BROADWAY (Col) HAUNTED RONEYMOON (M-G) RANGERS OF FORTUNE (Par) TRIPLE JUSTICE (RKO) KNEW WHEN I WANTED (RKO) BRIGHAM YOUNG (20th) THIEF OF BAGDAD (UA) SPRING PARADE (U) EAST OF THE RIVER (WB) DRUMS OF THE DESERT (Mono) UNDER TEXAS SKIES (Rep)	D D D D CD RD D MU M M W	D. Fairbanks, Jr.-R. Hayworth R. Montgomery-C. Cummings D. F. MacMurray-P. Morison-A. Dekker W. C. O'Brien-V. Vale CD C. Laughton-L. L. Ward-W. Gargan RD T. Power-L. Darnell-D. Jagger D. C. Veldt-Sabu-J. Duprez MU D. Durbin-R. Cummings-M. Auer M. J. Gardell-B. Marshall-M. Rameau L. Gray-E. Ford W. S. Mesquiter-L. Ranson	99 76 76 76 76 112

Record Labor Day Biz

Continued from page 1

boom town. Hamburger parlors were pleading with butchers for more beef, orange drinkeries were sending out for additional crates of fruit, and pitchmen of every description were literally and figuratively having a holiday as busy police struggled to get the tremendous crowds of rubes and their safety across intersections and keep traffic from a complete stall.

this season over the three-day holiday, with total paid attendance of nearly 780,000, or little more than 200,000 below the anticipated gate of 1,000,000. Rain and threatening weather the remainder of the time cut into the Sunday total, which only hit 284,123 as against 491,000 a year ago.

But the factor that made concessions on the Great White Way

2,500,000 Visits

More than 2,500,000 persons poured into the Big Town for the weekend, according to official estimates. What brought them is vaguely attributed by showmen to "just one of those things." Weather, generally given as the cause—all of business, good or bad, was definitely not a major factor. Although it was cool, leading people away from beaches and pools, repeated warnings of the approach of hurricanes and rainstorms were not conducive to leaving home at all. When the crowds actually reached New York, the rain and cool weather, of course, helped drive 'em into theatres.

Only explanation experienced showmen could offer yesterday (Tuesday) was that with war, conscription, defense and a flood of other aches on their heads, plus a whole summer of punko weather, the populace was bound to have its vacation, come what may. And it did.

First to profit, of course, were the film theatres, where the mobs made all former b.o. marks just something for the record books. As usual, the stage show houses copped the biggest share of the profits. They got their share, too. Most phenomenal of all was the Radio City Music Hall, mecca of all tourists, which, with 'Pride and Prejudice' in its fourth week, hit \$58,000 for the three days' Paramount, with 'Rhythm on the River' and 'The Great Waltz' on the River. The second place was Murray, Tito Guizar and Will Bradley's orch on the boards, did a neat \$36,000 on the three-day session, while the Roxy, with 'He Stayed for Breakfast,' hit \$29,000.

Lēgits S.R.O

Legit theatres, closed on Sunday, of course, were able to cash in on only two days of the great bonanza. Every show both Saturday and Sunday was completely sold out and several had more than 100 standees on Labor Day. Fact that only seven legiters were operating helped crowd them. Musicals, as usual, were the

chief draw for the yokels, with the heavy Hellzapoppin' a particular attraction. The show, which was expected to hit \$30,000 for the week, might cross pressing for the league, 'Louisiana Purchase' destined to hit \$30,000 as a result of the big holiday push. Another odd, Tobacco Road took the lead, hitting \$25,000 for the holiday biz. After looking at the \$5,000 for the week, owners Jack Kirkland and Harry Oshrin rushed out and ordered themselves tickets to run half way through October.

snobs was to have closed Aug. 17, but the city is also having problems on the "let's-be-gay" trend, especially downtown Manhattan hostility and the important ones in Brooklyn filling up, completely on Saturday for the rest of the weekend. Doormen were kept busy turning prospective customers away, while the Mayor's special World's Fair Housing Bureau sought to place private homes which had registered with it. Mayor Benjamin H. Namm, chairman of the bureau, estimated that 300,000 persons spent Sunday night in hotels and more than 1,300,000 people stayed in hotels or tourist rooms over the three-day period. New York claimed jurisdiction, but Local 683 exhibited an agreement with the producers in September, 1939, under which they were awarded control of the clerks. Producers and the SAEG have agreed on proper bargaining with the union of employees, which practically assures an early election date to select a collective bargaining representative.

The Society of Motion Picture Film Editors has voted unanimously not to accept the resignation of Edmund D. Hannan as president. At the same time the Society announced that its membership is unemployed currently, compared with 13% a year ago.

Praxy Jack Warnock and Herbert Correll, business representative of Moving Picture Painters Local 644, have been selected to represent the painters at the annual convention of the State Federation of Labor opening Monday night at the Hotel Commodore. The \$250,000 suit filed against praxy George E. Browne and other officials of the International Alliance of Theatrical Stage Employees by a group of expelled members of the union, charging that they had been tossed out of superior court here. The court ruled the plaintiffs did not have a cause of action. The plaintiffs were seeking: reinstatement, \$250,000 damages and appoint-

On Monday, the 24th, the program included shooting galleries, burley theatres, photomaton, novelty shops, as well as the restaurants, felt the influx. Hubert's Museum, 42d street area circus, declared seven days of work to be the number of shows on Sunday.

With New York City host to probably its greatest Labor Day Crowd on record, the World Exposition will average the biggest three-day total

of Board of Directors

'Goon Squads'

Continued from page 7

wanted to be sure there was no misunderstanding about the regulations.

Under Labor filed an intervenor to the petition of the Screen Office Employees' Guild for certification as bargaining representative for the worldwide motion picture industry. The intervenor sought to show up before the National Labor Relations Board to press the claim. Jurisdiction over the labor-management shipping dispute was awarded to the National Labor Relations Board, which claimed jurisdiction, but Local 6838 of the International Alliance of Theatrical Stage Employees, the SOE, had established an agreement with the producers in September, 1993, controlling the work of the clerks. Producers and the SOE have agreed on proper bargaining units for clerical employees, which practically assured a new election date to select a bargaining agent.

The Society of Motion Picture Film Editors has voted unanimously not to accept the resignation of Edmund D. Hannan as president. At the same time the Society announced that 19% of its membership is unemployed, currently, compared with 13% a year ago.

Prexy Jack Warnock and Herbert Correll, business representative of Moving Picture Painters Local 644, have been selected to represent the painters at the annual convention of the State Federation of Labor opening in Santa Monica, Sept. 23.

The \$250,000 suit filed against proxy George E. Browne and other officials of the International Alliance of Theatrical Stage Employees by a group of expelled members headed by George 'Curly' Davis, has been tossed out of superior court here. The court ruled the plaintiffs did not have a cause of action. The plaintiffs were seeking reinstatement, \$250,000 damages and appointment of a receiver and an accounting for funds of the old Technicians Local 37.

The Screen Actors Guild board of directors has adopted a by-law amendment providing that "no member of any nominating committee shall be nominated by such committee for any office in the Guild." This will eliminate practice of council and other nominating committees nominating its own members for the council or board of directors.

FILM SHOWMANSHIP

Wanger Ballys 'Correspondent' At Mont'l Preem

By MORI KRUSEN

Montreal, Sept. 3.

Walter Wanger, accompanied by the mistress (Joan Bennett), arrived here Friday (30) for the local premiere of 'Foreign Correspondent', handed out interviews to the local scribes with the prodigality of a glamor girl who has a contract coming up for renewal, delivered a talk in French over station CKAC, and nearly passed out when confronted by a Wanger mugg who suddenly crawled out from under the limelight in the studio. Wanger couldn't have registered more surprise if he had found a VARIETY rep up in Reykjavik, Iceland.

Joan Bennett, who had been industriously handing out autographs after delivering her little talk, also in French, lost her 'savor faire' (complacency to you) long enough to enquire innocently if they had 'those' (VARIETY mugs) up here top. And the VARIETY mugs carried on a one-way conversation with Wanger without getting more than a glimpse of the guy who was using the VARIETY shouldered to sign autograph books for the fans who were able to get through a cordon of gendarmes to crowd into the studio.

Out of the welter of conflicting claims and the maze of confusing theories that now plague the picture industry, Wanger predicts that a greater Hollywood will emerge, purified and exalted by the stock taking which has been forced upon celluloid manufacturers through the loss of European markets: Such was the gist of Wanger's French-language address to the radio audience, with Henri Letondal handling the queries for CKAC.

Wanger thought that the industry would salvage something from the hideous carnage which is blasting continental talent out of Europe. The exodus of writers, directors and performers to Hollywood was a factor that would in the end contribute to the improvement of U. S. films an additional number of experienced workers, new faces, and varied talents would be available for the various branches of the industry.

'Fewer But Better Pix'
Wanger clings to the opinion that Hollywood can make up a large proportion of the revenues lost in the curtailment of the European market by getting increased domestic attendance; that this is possible only through the production of fewer, but better films; that the production of better films is entirely feasible, desirable and practical. Wanger, who made as many as 12 films in one year, has produced only two this season. And insofar as cultivation of domestic (Western Hemisphere) markets is concerned, this is evidenced in the cited fact that Hollywood is establishing with places even as far north as Montreal, for instance, which is only seven or eight inches from the Arctic Ocean on a map though every inch represents 680 miles.

It is understood that more frequent visits to Canadian centers from Hollywood producers, writers and stars are in prospect. Frank Capra, Frank Lloyd and others have been mentioned among those planning to get better acquainted with audience reactions to pictures, in order to determine the type of product that is most desirable at the present time.

Wanger, who has long taken the view that the public wants serious films of a topical nature as opposed to the 'escapist' picture (Dr. Gallup's survey indicates that 65% of those interviewed substantiate Wanger's theory) characterized America as a 'continent of escapists.' If we had kept our minds open we would not be so shocked, neither would we be unprepared. He stated then that the best thing Hollywood can do to help national preparedness is to present the truth, which is impressive enough. There would then be no need for so-called 'propaganda films.' Wanger and Joan Bennett made a personal appearance at Loew's (Consolidated) in connection with opening of 'Foreign Correspondent', later training out for Toronto.

By John C. Flinn

Most glamorous figure in motion pictures is Charles Chaplin. Through the years his star has shone longest and brightest. There have been periods when he has been absent from the screen for long stretches, when his name and fame have been dimmed by inactivity. Then come the rumors that he is contemplating another film. Another year passes and the Chaplin organization reassembles. Charlie is ready to start work again. When Chaplin goes into action he and his new film hold the industry's spotlight.

The Chaplin legend is repeating itself and the comedian has announced that he will launch his latest production, 'The Great Dictator', in mid-September. Release will be through United Artists, of which Chaplin is part-owner. It is his fifth personally produced film, in which he appears, since release of 'The Great Dictator', 1923. The others are 'The Circus', 1928; 'City Lights', 1929; and 'Modern Times', 1936. His first release through UA was 'The Woman of Paris', of which he was author and director. Film featured Edna Purviance and Adolphe Menjou.

Because distribution of the early one and two-reel Chaplins was in the state rights market and in the hands of numerous territorial showmen, there is no record extant of the gross financial returns of the Chaplin pictures. He was the dominant boxoffice figure almost from the time of his first appearance in a Sennett comedy (1913) until the beginning of his First National association (1918). In the intervening years the Sennett, Essanay and Mutual series were shown throughout the world, wherever there was a screen and projection machine. Chaplin was the advance agent for the American film industry.

FABULOUS R.O. SAGA

Starting with 'The Dog's Life' (FN-1918), the financial story of the Chaplin pictures is a fabulous tale. By terms of his agreement with First National, he

delivered a completed two-reeler for a flat price of \$150,000. He had no arrangement for further participation in profits. When he made 'Shoulder Arms' as his second FN release in the same year, he received \$75,000 as payment for a third reel. Thereafter the contract was revised, and his remaining three FN pictures, 'Sunnyside', 'A Day's Pleasure' and 'The Kid', were released under a percentage of gross receipts. Latter was his first full length picture, in which Jackie Coogan, then 6, had the title role. World gross exceeded \$4,000,000.

'The Great Dictator' will be given special showings in its first runs, probably at advanced admissions and under policies of general admission and reserved seats. Details of its presentation have not been worked out and will be discussed with Chaplin in Hollywood this week when Murray Silverstone, UA president, reaches the Coast. Although the foreign market is cut off by war conditions, it is probable that 'Dictator' will soar into the higher gross regions in the domestic and Canadian markets. Since the release of 'Modern Times' new ceilings of receipts have been touched by 'Gone-With-the-Wind', 'San Francisco', 'Rebecca' and a few other pictures. UA is determined to establish new extended run records for the picture.

Unique phase of Chaplin showmanship is the withdrawal from exhibition of all former pictures during the first run period of a new film. The comedian since the formation of UA has laid down the rule as a principle of distribution through which he has cleared the field of any competitive Chaplins.

Only occasionally are any of the older two-reelers shown. Group known in the trade as the Mutual Chaplins, which included 'The Pawnshop', 'Easy Street', 'The Cure' and half a dozen others are controlled, currently by RKO, having previously been conveyed by Pathe. Reissues of these comedies are unlikely at this time.

Geo. Choos' 3rd Dimension Pix For Theatres

Cleveland, Sept. 3.

Three-dimensional photographs made by a newly invented 'Lifograph' camera, bankrolled by George Choos, former vaude producer, are being currently premeditated at RKO Palace by division manager Nat Holt who rented part of theatre lobby to backer for their first showings in the country.

Installed for Palace's first week of fall vaudeville, toplined by Charlie Barnet's orchestra, the exhibition attracted considerable attention from local camera experts and newspapers. Choos spent three days here introducing display of eight colored pictures, which give novel illusion of exceptional depth, life-like warmth and fleeting changes in expression.

Effect is created, he said, by glass lenticulations, or arched lines, covering the subject which is photographed in Kodachrome celluloid by a revolving camera. Two mazes inside the 15 by 20-inch frames bring out the colors and the third dimension qualities. One of the most outstanding photos is one of Helen Denison, the dancer (and wife of Choos). Another one is of bandmaster Fred Waring. Others of Joan of Arc, still-life, flowers, models are also distinguished for their unusual clarity in detail and startling angles that apparently change human subjects from a full-face view to a semi-profile as one walks by them.

Ex-producer declared that he's devoting all of his time to promoting Lifograph, which he claims will revolutionize still photography. It was invented by Miklos Kaszab of New York, an Hungarian, who perfected the patented camera after 30 years of experimentation, and now working out a process to blow up three dimension photos large enough to be used as theatre lobby displays. Choos also claimed that Kaszab has already developed his novel camera to the point of taking miniature motion pictures with depth and color, but that there are too many bugs in it to be marketed yet.

Until turned out on a mass production scale, he said, each framed photo would cost \$60 to produce. After local showing, Holt is exhibiting them at RKO house in Columbus. Choos also closed a deal before leaving with Bob O'Donnell to display the Lifograph art collection in his Interstate circuit of over 100 houses.

'BOOM TOWN' DAY-DATE IN 2 M'WAUKEE HOUSES

Milwaukee, Sept. 3.

Exhibiting the same picture in its two ace houses at the same time will be tried here for the first time by Fox Wisconsin Theatres, Inc., beginning Friday (13), when 'Metro's' 'Boom Town' will be shown in both the Palace and Wisconsin, directly across the street from each other in the heart of the downtown district. Ballyhoo is promised to set a new high for this town, with the two houses splitting the cost of exploitation.

Prices will be upped from the usual 50c to 65c or 75c in both houses. Opposition expects to profit by the fact that the Fox experiment will mean one less new picture than usual in the downtown zone.

Yorke Hypos 'Westerner'

Hollywood, Sept. 3.

Gabe Yorks moved into the ballyhoo spot for Samuel Goldwyn's 'The Westerner', temporarily taking over the chore recently vacated by Jack Lawrence.

Fietus gets its premiere in Fort Worth, Tex., Sept. 19, to be followed next night by a second premiere in the neighboring city of Dallas. Gary Cooper, Walter Brennan, Doris Davenport and other film names are due for personal appearances.

Distrib Point

Continued from page 5

Paramount, and 'Ghost Breakers' in second-run at the State.

Stand taken by distrib heads that there are plenty of good pictures brings to the fore criticism of film publicity and advertising made by Dr. George Gallup upon revelation by his polling machinery recently that there are 32,000,000 persons financially able who go to theatres once a month or less. Dr. Gallup maintained that poor selling of pictures was a major reason for lack of interest in films by a large segment of the public.

Plentitude of good films in every category is pointed out by the defenders of Hollywood. Many of the best pictures, it is made clear, are not those that cashed in heavily at the boxoffice. Among well-made pictures of real value in a literary sense included 'Mortal Storm', 'Pride and Prejudice' and 'Waterloo Bridge', from Metro; 'Abie Lincoln in Illinois', 'Anne of Windy Poplars', 'Ramparts We Watch', 'Tom Brown's School Days' and 'Queen of Destiny' from RKO; 'Bluebird' and 'Grapes of Wrath' from 20th-Fox; 'My Son, My Son', 'Our Town', 'Rebecca', and 'Mice and Men, from United Artists; 'House of Seven Gables', from Universal; and 'All This and Heaven Too', Dr. Ehrlich's Magic Bullet' and 'Brother Orchid' from Warner Bros. Among pictures in this category which are in pre-release or about to be released are 'Arizona', 'Escape', 'Philadelphia Story', 'Stars Look Down', 'Northwest Mounted Police', 'Victory', 'Citizen Kane', 'Kitty Foyle', 'Little Men', 'Long Voyage Home', 'Pastor Hall', 'Flotsam' (UA), 'Back Street', 'The Letter' and 'Meet John Doe'.

Comedy

Potential audiences partial to frothy comedy have had opportunity to see or will shortly. 'He Stayed for Breakfast', 'Andy Hardy Meets Debutante', 'Go West', 'I Love You Again', 'Susan and God', 'Third Finger, Left Hand', 'Buck Benny Rides Again', 'Ghost Breakers', 'Great McGinty', 'Seventeen', 'Aldrich Family', 'Love Thy Neighbor', 'Lucky Partners', 'My Favorite Wife', 'Elsa Maxwell's Public Deb No. 1', 'Great Profile', 'Hired Wife' and 'No Time for Comedy'.

In the way of adventure and action there are 'I Married Adventure', 'Boom Town', 'Northwest Mounted Police', 'Return of Frank James', 'Chad Hanly', 'Foreign Correspondent', 'Kit Carson', 'South of Pago Pago', 'Thief of Bagdad', 'The Westerner', 'When the Daltons Rode', 'They Drive by Night', 'Sea Hawk', 'Dispatch from Reuters', and 'City for Conquest'.

Musicals include 'New Moon', 'Bittersweet', 'Little Nellie Kelly', 'Strike Up the Band', 'Love Thy Neighbor', 'Rhythm on the River', 'The Great Dictator', 'There's Magic in Music', 'Irene', 'No, No, Nanette', 'Too Many Girls', 'Lillian Russell',

'DOWN TO SEAS' PREEM FOR N. BEDFORD, MASS.

New Bedford, Mass., Sept. 3.

Remake of 'Down to the Sea in Ships' (20th), whaling epic based on the mammoth hunting film of a bark out of this port, will be world premed in New Bedford, say Harry and Martin Zeitz, local exhibitors. Zeitz brothers say they had been informed by Thomas Bailey, New England divisional manager for the film company, plans to hold the premiere in this city. Tyrone Power and Laird Cregar have been assigned tentatively to starring roles in the picture.

Original 'Down to the Sea' film was made in New Bedford in 1922. Vehicle started Clara Bow on her 'It'.

PRIMING 'WESTERNER'

Joe Shea Handling Newspaper Serial With Goldwyn Pic

Fort Worth, Sept. 3.

The Star-Telegram has bought a 14-day serialization of the life of Judge Roy Bean from pioneer writer Everett Lloyd Garrison. 'West of the Pecos' and starts immediately to tie-in with the advance ballyhoo for the Samuel Goldwyn picture 'The Westerner' which has its world premiere here Sept. 19.

Joe Shea, Goldwyn's representative here, visited all border towns near Langtry, Texas, and collected many heretofore unpublished photographs from pioneer residents including several from the famous Rose collection of early Texas scenes, to illustrate this biography.

Fraser Quits Par

George Fraser, foreign publicity chief in N. Y. for Paramount, has resigned, it was announced last week by John W. Hawks, Jr., foreign sales chief. Fraser's future plans haven't been announced. Albert Deane, formerly director of foreign publicity and advertising, again will assume general supervision over the department in addition to his present production and censorship duties.

Joe Ackerman, assistant in the department for the last seven years, will have charge of Par's foreign publicity and exploitation.

'Down Argentine Way', 'Boys from Syracuse', 'Argentine Nights', and 'Spring Parade'.

For the historical fans there are 'Howards of Virginia', 'Young Tom Edison', 'Edison the Man', 'Abc Lincoln', 'Bright Young', and 'Hudson's Bay'.

These films are all in addition to such pictures as Charles Chaplin's forthcoming 'The Great Dictator' and Walt Disney's 'Fantasia', which are looked forward to in the trade as extra-special.

Probing UFA

Continued from page 3

Washington a few months ago as agent for a foreign principal, following pressure by the Anti-Nazi League.

League refused to divulge exactly what illegal activities were being engaged in by UFA for fear of injuring its case. It was said, however, that although officers of the outfit 'for obvious reasons' are not members of the German-American Bund, they act and cooperate with the Bund as if they were. Operating heads of UFA are George Nitze, prez, and Ernest Elsele, Jr., p. p.

Anti-Nazi League charges that operators of a number of German theatres are Bund members. Willi Mansbacher, one of the owners of the 98th Street theatre, in Manhattan's Yorkville, hot a bundsman, is alleged by the league, but is half-Jewish and has been declared an 'honorary Aryan' by the German consulate.

Dies' Proof

Continued from page 3

fend the Equity councillors named by Lambertson, but to secure federal relief for 2,000 members. It was stated previously that until Equity 'cleans house' the Red charges Congress will not include the theatre in relief appropriations.

Should the Dies committee clear the Equivocals of the charges, it is likely that relief will follow. For the third time Paul Dullize, Equity's executive secretary, wrote Dies urging a definite date for hearings. Previous appeals for action brought no satisfactory response. Most recent communication was sent when Dies was in New York.

Claimed that the real origin of radicalism in the theatre dates from the WPA Federal Theatre Project and the activities of the Workers Alliance, always a headache to Equity. Reported, too, that members of the Alliance are in TAC. Dies, after hearing Lytell, said: 'An investigation is warranted and necessary both in the interest of Equity and the country.' He made public an appeal to President Roosevelt, that Communists, Fascists and Nazi organizations be outlawed on the grounds that such groups foster sabotage, espionage and other fifth column practices.

Lantz Silks For U

Hollywood, Sept. 3.

Walter Lantz closed a deal with Universal to make 13 one-reel colored cartoons for the 1940-41 season. First is 'Andy Panda's Crazy House', to be followed by 'Recruiting Days' and 'Knock-Knock'.

Already set!

**WATCH THESE
ADVANCED-PRICE
RUNS! OTHERS ARE
BEING SET DAILY!**

Uptown & Esquire, Kansas City
Loew's State & Chinese,
Los Angeles
Ambassador, St. Louis
Denver, Denver
Missouri, Columbia, Mo.
Egyptian, Ogden, Utah
Capital, Logan
Paramount, Provo
Strand, Tooele
Capitol, Brigham City
Liberty, Tremonton
Firmage, Beaver
Firmage, Milford
Alladin, Parowan
Avalon, Fillmore
Wadsworth, St. George
Empress, Magna
Vogue, Vernal
Paramount, Idaho Falls, Idaho
Orpheum, Twin Falls
Star, Malad
Chief, Pocatello
Schubert, Gooding
Pinney, Boise
Isis, Preston
Stadium, Caldwell
Majestic, Nampa
Rialto, Butte, Montana
Marlow, Helena
Fox, Billings
Wilma, Missoula
Liberty, Great Falls
Judith, Lewistown
Hartwig, Dillong
Roxie, Ontario, Oregon
Ely, Ely, Nev.
Ruth, Ruth
Fallon, Fallon
Virginia, Virginia City

"BRIGHAM YOUNG" AT ADVANCED PRICES IN 41 CITIES

**—AS SALT LAKE CITY'S HISTORIC RUN
SMASHES INTO 2ND RECORD WEEK
AFTER PLAYING TO ALMOST ONE-THIRD*
OF THE POPULATION IN FIRST 7 DAYS!**

*A total of 46,097
increased admissions!



Inside Stuff—Pictures

A rap was taken at the Dies Committee for linking actors with Communist activities by the Detroit News which observed that with plenty to be done in hunting down those engaged in subversive activities and with time for it little enough, it is too bad they continue to be fascinated by an idea that actors in Hollywood are key figures in a conspiracy against the Government. It was further pointed out that a veteran producer said some years ago that actors are great for carrying banners. Being an emotional lot, they are easy marks for anything with a humanitarian tinge and hustled in to do charity not realizing the actual radical ends of the projects.

The Dies Committee also took a rap for its 'second thinking' in the matter after rushing out all the players' names to the press without talking to any of those incriminated.

It also gave actors a bit of backhand by adding, 'There is no evidence that any actor in this country in our time has ever been worth a dime as a subversive influence. The public does not take its political views from entertainers.'

Young middleweight boxer to whom Dick Powell, the screen actor, loaned his name and support on Coast couple of years ago to get the kid some publicity and a start as a prelim boy in Hollywood, is currently the hottest thing around in the 160-pound ranks. He's Billy Soose, who whipped Ken Overlin, recognized in New York state and California as the world's champ, in Scranton, Pa., a month ago and turned around three weeks later in Chicago and plastered Tony Zale, Nat'l Boxing Assn. titleholder, all over the ring for a unanimous decision. Both fights were non-title affairs and now Soose is—direct line for a shot at the championship. 'Powell originally became one of Soose's backers through his friendship with Paul Moss, ex-screen writer who now manages the fighter. Moss and Jerry Wald, WB scenarist, co-authored one of Powell's early hits, '20 Million Sweethearts'.

Story in VARIETY of July 31 issue concerning open distribution and exhibition of German films in the United States, particularly in the Yorkville section of Manhattan, has been widely quoted and commented on by both the U.S. daily press and Jewish organizations and individuals. Article pointed out that the second largest distributing agency for Nazi films, and two of the three houses in Yorkville, are Jewish owned. T. D. Kemp, Jr., in his column in the Charlotte (N.C.) Sunday Observer, Aug. 18, remarked that 'while one may sympathize with these theatre managers (who were in the business long before Hitler), it seems that after five years they could have found some other way of making a living in preference to spreading Nazi propaganda.'

Francis Harmon, executive assistant to Will Hays, and Roy Norr, publicity idea man with Motion Picture Producers & Distributors in N. Y., are on the Coast with Hays trying to pick a suitable man to fill the former spot held by Tom Petzey, publicity chief for the Coast Producers Association of the Hays office.

Harmon also is devoting considerable time to making changes in 'Land of Liberty,' feature which the industry gave the N. Y. World's Fair last year and for showing this season. He was instrumental in putting the wealth of footage together for the original last year. Picture is to be offered for release to exhibitors shortly, with any profits likely to go to the American Red Cross.

Leo McCarey is about to profit \$95,000 on an old debt of \$30,000 when Howard Hughes barges back into picture production. The debt consists of McCarey's salary as director of a picture, 'Queer People,' which was thumbed down by the Hays office through the influence of a femme columnist back in 1932. The pressure was so strong that Hughes called the deal off and paid McCarey his pilot salary in full, with a verbal agreement to direct another picture free of charge whenever Hughes decided to return to production.

Since that time McCarey has become a producer-director with an asking price of \$125,000. Hughes is about to produce another picture for 20th-Fox release, and McCarey is about to direct it, but the 'free of charge' idea of 1932 has been wiped off the slate.

Co-producer of the Gilbert and Sullivan revival which comes into the 44th St. theatre, N. Y., Sept. 30, it was revealed last week, is Herman N. Levin, aide to J. P. Morgan, Jr., in the latter's effort last winter to bring film production to the east. Levin was actually in charge of all negotiations that took place. Former aide to Mayor LaGuardia, Levin is taking his first flyer into show biz on his own. He's on leave of absence from the city government.

Levin's partner is Joseph Daltrey, after whom the company is named. It went into rehearsal Monday (2) with 'Gondoliers,' 'Mikado,' 'Trial By Jury' and 'Pirates of Penzance.'

Paramount theatre, N. Y., has used Bing Crosby starters for Labor Day weekend and to open its fall season four times in the last five years, with top grosses resulting each time. This year the crooner's Rhythm on the River broke the five-year mark for Labor Day weekend business. Already tabbed to stay three weeks, and possibly longer.

Paramount used 'Double or Nothing' in 1937, 'Sing You Sinners' in 1938 and 'Star Maker' in 1939. Only year that Bing Crosby's new picture missed was in 1936 when 'General Died at Dawn' was the attraction. 'Star Maker' was a Universal entry.

Recent deaths in Buffalo of Meyer Ullman and Charles Polakoff recalls that they were practically the last of the crowd of local 'cloak and suiters' who built a shoestring into a fortune in Buffalo and Rochester picture biz in the 1920s. In those bonanza days, when profits knew no ceiling, this crowd had its own way of figuring. One week, Morris Slotkin, managing director of its enterprises, was asked about business at the de luxe Lafayette. 'Rotten,' answered Slotkin, 'we're losing \$3,000 this week.' 'How so?' was asked. 'You've got 'em standing.' 'Yes—but last week we did \$17,000. This week we'll only do \$14,000. That's a \$3,000 loss.'

Department of the Interior is losing money as result of its edict charging \$25 to \$500 a day for the privilege of shooting motion pictures in national parks and forests. Film companies are steering clear of Government lands and causing a drop in revenues collected by the parks. Location troupes formerly patronized the parks, restaurants and attracted thousands of tourists eager to see actors at work. Columbia's 'Wild Bill Hickok' company is out-maneuvering Secretary Ickes by camping just outside the boundary of Bryce Canyon National Park and running its own commissary.

Otherwise unverified, a Brazilian short-wave newscast from Rio de Janeiro last week mentioned that Joan Lowell had been shot at sunrise as a Communist; that the authoress had become a Brazilian citizen two years ago, but was arrested on alleged subversive charges. Miss Lowell authored an 'adventure' book, 'Cradle of the Deep,' that subsequently got considerable pro-and-con publicity as to its authenticity, and Van Beuren-RKO later filmed it.

Authors and producers of last season's John Barrymore play, 'My Dear Children,' are talking legal proceedings against 20th-Fox over 'The Great Profile,' soon due film starring Barrymore. Later, meantime, is supposed to return to the Aldrich & Myers stage production, although 20th-Fox states Barrymore is optioned for further films.

Paramount disclaims any interest in the Adams theatre, Newark, which opened Aug. 30 with George White's tab 'Scandals on the stage.' It's operated by Adams Bros.

U. S. Housing Authority is negotiating with RKO for the rental of 16 mm. prints of 'Courageous Dr. Christian' for showing in 300 towns in connection with slum clearance program. Film treats of the subject.

'Lost' French

Continued from page 3

composer Robert Stoltz; and American film men Laury Lawrence, Fred Lange and Phil Reisman, managed to get to the States in time. Some left France with the intention of going to the U. S. but for the most part they are still stranded somewhere in Europe, most probably in Spain, Portugal and England.

Others Traced

It's been only in recent days that some of the others could be traced. Most are in the non-occupied zone, awaiting the signal which will send them back to their work. The first and incomplete list follows:

Maurice Chevalier is at La Bocca on the Riviera. Yvonne Printemps is in Toulouse with Capt. Pierre Fresnay (demobilized). Armand Salacrou, who wrote Paris' greatest legit success of the past season, 'Histoire de Rire,' escaped from a German prison camp and is resting at Toulouse. Jean Cocteau is at Perpignan. Gabriel Morlay, Pierre Siephen and Robert Vidal are at Nice, while at nearby Cannes are Danielle Darrieux, Viviane Romance, director Abel Gance and Bertha Roy. Also in the same region are screen directors Rene Lefevre, Marcel Allegret and Marcel Herbiere (Antibes) and Jacques Baumer (Juan les Pins). Sacha Guitry is in Paris planning several productions.

Band leader Ray Ventura is at Clermont-Ferrand with variety and legit actors Henry Bry and Marcelle Tassanacourt, while only a few miles away in the watering spot, Vichy, are legit stars Mary Marquet, (Victor Francen's ex), Helene Perdriere and Jean Martinelli, and musician Alfred Cortot, who denies having been named assistant director of the Odeon Theatre, Paris.

Brother screen actors Claude Dauphin and Jean Nohain, both sporting Croix de Guerre, are at La Creuse. Jean Marais is at Auch. Scenarist Leopold Marchand is at Tour. Nadine Picard and Marie Dubas, recently touring in the States, are back and near Vichy. Jean Pierre Aumont, screen director, is with the Croix de Guerre is at Montpelier as are radio and stage entertainers Jean Antoine, Jeanne Provost, Madeleine Larcay, Helen Tossi, Georges Colin, Paul Vialar, Leon Ruth and Mary Simone.

Radio Stars

Radio stars Jean Bondeville, Rene Delamarre and Paul Vesigny are at Toulouse together with comedians Louis Barrault, demobilized Pierre Dac and Andre Beutler, entertainer Edith Piaf, screen director Armand Bernard, Pierre Carne and Raymond Bernard, playwright and humorist Tristan Bernard. Roger Bourdin, director of the Opera Comique, is in Paris. Andre Franck (demobilized) at Surchalour. Jacques Pils, crooner, and Lucienne Boyer's better half, is believed to be a war prisoner.

In the Chateau, de Corze near Brive are film star Pierre Brasseur, his wife, legit star Odette Joyeux, and Gilbert G. L. Theatre directors Marcel Herraut, Georges Rollin and Jean Ducreux are in Marseilles.

All the members of the Opera and Opera Comique have been recalled to Paris. The Society of Authors has its headquarters in Montauban. Roger Capraz, theatre director, has reopened the Ambassadors, Paris, and is giving last season's comedy success, 'Nous Ne Sommes Pas Mariés' ('We Are Not Married'), with Blanche Montel in the lead.

Paulette Pax is playing in 'Romeo and Juliette' at the Oeuvre, Paris, with Bogaert and Jean Servais. Also in Paris are Jacques Copeau, preparing to reopen the Comedie Francaise, which is directed (also temporarily directs Odeon and Theatre de Chaillois); Maurice Rabaud, director of the Conservatoire; Charles Mere, president of the Society of Authors; Louis Hautecoeur, named director of the Beaux Arts; and Paul Landowski, preparing to reopen the School of Beaux Arts.

STORY BUYS

Hollywood, Sept. 3. Republic purchased 'Bubble's Mill' by Arthur V. Jones, written by Allan Rivkin and Dore Schary sold their yarn, 'A Flagpole Needs a Flag,' to Republic.

TITLE CHANGES

Hollywood, Sept. 3. F.O.B. Detroit 'became' 'Reaching for the Moon' at Paramount. 'The Belle of Atlanta' at Republic went back to its original title, 'Who Killed Aunt Maggie?' Universal swapped from 'Trail to Paradise' to 'Boss of Bullion City.'

Real-Art Exchange Reorganizes In Cleve.; Other Theatre Items

Cleveland, Sept. 3.

Real-Art Pictures, formed recently by reorganized by Louis Ramish and Herbert Ochs, who have renamed their indie distributing company the Pioneer Film Exchange. Nat Gerson, one of original co-partners, dropping out of new combine which has Select franchise in Ohio and Kentucky and Film Alliance in same states in addition to Michigan and Indiana.

Gene Bailey, formerly with William Skirball's office and Educational, added to sales staff by Ochs; general sales manager. Latter has closed Feb. 1941 product deal with Community Circuit of 14 houses operated by Henry Greenberger and Max Lefkowitz, and with George Manos for his Toronto chain. Harry E. Long, formerly Loew's division manager here, moving to Detroit to set up branch for Pioneer as its Michigan rep.

Otto Braening, office manager RKO-Radio here, made home office rep. by turning his post over to L. E. Blumenfeld, formerly in charge of Fox, Buffalo.

Autumn pep-up rally staged by Nat Wolf, Warner zone manager, brought 35 managers from downtown WB houses to get careful of 13-week sales drive for next quarter. Intensified Intelligent Selling, key-noted speeches by execs, including Nat Braening, Ray C. Brown, Frank Harpster, Charles Rich and Manny Pearlstein.

Nat Letton, Republic head here, called to Covington, Ky., to bless another elopement on Benton, 22, who married Helen Doyle Aug. 21. Oldest son, Gilbert, general manager of Benton Bldg. Co., also eloped Aug. 21. Covington with Lee Fernagel for nuptials.

Don Stitt Resigns

Pittsburgh, Sept. 3.

Don Stitt, theatre musician-turned manager, has resigned his spot at the Manos-Harris theatre in Jeannette, Pa., to take an unannounced leave. Stitt at one time was the banjo player in the Stanley house orchestra, quitting there to become a manager first for Warner and then the Harris circuit. For the time being, Stitt is at Doman, Harris district manager in DuBois, Reynoldsville and St. Marys, is filling the Jeannette job.

Lawrence Carrette, named chief booker at local Mono office, succeeding Saul Perilman, recently upped to sales post by Mark Goldman, branch manager. Carrette, formerly with Cray National, has been with Shulgold's Crown Pictures since GN folded.

Harry Hendel, owner of New Granada, named third member of indie exhibitors' local committee, succeeding the late William D. Davis. Two other members are Alex S. Moore and Dr. C. E. Herman, who with Hendel are currently negotiating a new I.A.E. contract.

Briefs: Robert Roberts named manager of Victoria in Wheeling, W. Va. . . . Hilda Burich, with WB theatre checking ledger which she has been dropping remains with the company in the general office here.

T. G. Shiffer, starting a new theatre in New Bloomfield, Pa., and his fiancée celebrated 19th wedding anniversary recently.

Melvin Edelstein added to UA booking department. Comes here from New York where previously connected with Alexander Korda. With Jake Smith, Barnesboro (Pa.) exhib, has hit an oil well at Mt. Pleasant, Mich., which is yielding 150 barrels daily. Walter R. Hall, formerly of Warner in the east, named manager of WB's Majestic, Johnstown, Pa., succeeding Charles Schiffbauer, who goes to Strand in Greensburg. Latter spot was previously without its own pilot, having been managed by Joe Freeman, WB's city chief in Greensburg.

M. A. Rosenberg, owner of Rialto downtown and president of the AMPTO of Western Pa., has just taken over Al Glaser's two West Park houses, the Parkway and the Colony.

Don Stitt, who resigned last week as manager of the Harris-Manos in Jeannette, Pa., has joined big garage and service station here as advertising director. Stitt's first task was to organize a Banjo Bowl with lessons to children of customers. He's a banjo player himself, having played with Dave Brodsky's Stanley house orchestra for several years.

Milt Broudy has resigned his post with NSS-Advertising Accessories to become booker and city salesman for Max Shulgold's Crown Pictures, including the Banjo Bowl. Broudy, with NSS, Broudy was in the Columbia office.

Briefs: At least four WB houses in this zone are currently being extensively remodeled. AMPTO of Western Pa. will hold its 20th annual convention here Oct. 21-22. Sam Neaman, Natrona exhib, ailing in bed, to exchange Banjo Bowl with Film Row old-timer passed on last week. He was Dennis J. O'Brien, one-time salesman with the Pathe company. Pittsburgh Theatre Co., owner of Clark building, where Stan-

ley is located, appealed against the Allegheny county tax assessment, asking for a reduction of \$168,500 for land and building instead of \$27,717.210.

Facilitating Two in Toledo

Toledo, Sept. 3.

Extensive program of remodeling and modernizing the Royal and Palace, in downtown Toledo, is now in progress. Willard Theatres, Inc. operate.

Ramish, Rosen Home

Los Angeles, Sept. 3.

Adolph Ramish, who has returned from the Hawaiians, where they spent two months inspecting operations of the Royal Amusement Co., in which they are partners.

While in Honolulu they installed Robertson, Herman, as assistant general manager of Royal.

Everett Sharp moved in as manager of the California, San Bernardino, trading with Tom Muchmore, shifted to the West Coast in same capacity.

John W. Hill appointed manager of new F.W.C. State, San Diego, which had formal opening with a troupe of 15 men, including Mickey Rooney, James Withers, Leo Carrillo, James Ellison and Freddie Bartholomew.

Wendell G. Smith took over management of the Astor, San Diego, replacing Clark Laurence, resigned.

3d in St. Louis Chain Dark

St. Louis, Sept. 3.

The Lee, northwest St. Louis nabe, owned by Clarence Kaimann, vet exhib, who recently merged his chain with that of Fred Wehrberg under the tag of the Greater Independent Circuit, has shuttered and this makes the third house of the circuit to be packed since the merger several weeks ago. The others that are dark are the Dakota, in South St. Louis, and the Normandy in St. Louis County.

Other indie operators are expected to join the Greater Independent Circuit as soon as the details of the booking pool between St. Louis Amus. Co. (Fanchon & Marco), and houses operated by R. H. Jones of the Shuchart Investment Co. and a syndicate of which Bess Schuller is a guiding light are divulged. Wehrberg has declared he is not interested in this business, one of the houses of the Greater Independent Circuit are in the subsequent run category while the others are second and third run.

O. O. Lessing has signed a deal obtaining a franchise for the St. Louis territory from Astor Pictures, independent distributor. He formerly represented R. H. Jones in that territory. Lessing will operate under the firm name of Variety Pictures.

First deal for Astor has been closed with Fanchon & Marco, covering its own theatres and the St. Louis Amusement Co. string which it operates.

Karp Adds Syracuse

Buffalo, Sept. 3.

Mayfair, Syracuse, taken over by Jack Karp to be operated by Mayfair Cinema.

Alex Corin's Alcazar, Syracuse, to reopen shortly after alterations.

Dean Ruggell, former operator of the Tioga, Owego, dead after a long illness.

Palace, Clifton Springs, formerly operated by Richard De Tota, now being run by Mrs. H. Hallick.

Reuben Farber sold the Commodore to Al Francis, formerly owner of the Liberty, under whose management the house reopened Labor Day.

Avon, Addison, formerly operated by Florence Chism, closed.

Cataract, Niagara Falls, reopened after summer darkening.

Fred Strong, manager of Colonial, Medina, resigned to enter candy business, successor still unnamed.

Jerry Shea, brother of the late Mike Shea, who operates the Hipp, Toronto, visiting here.

Jacob Rappaport is to build a modern new 1,000-seater at Lovejoy and Gold, eastside nabe. Completion by Jan. 1 next.

Lincoln Shifts

Lincoln, Neb., Sept. 3.

Lincoln Theatres staff readjustments this week in line with the resignation of Edward Vaughan, Lincoln manager, who went to the position Dent circuit in Greeley, Colo. (Chief), replacing George Monro, Jr. LTC's city manager, Bob Huffman, is to take over the position with Harvey Traylor as manager of the Lincoln; Paul Anderson, at the Stuart, and Eugene Shanahan, at the Nebraska. First, one managerial staff lost. M. A. McGraw, who went to the Harry Warren's Central States Theatres in York, Neb., eight weeks ago, and Vaughan, who joined Dent (29). In Kearney, George Monroe. (Continued on page 25)



EXTRA!!

"RHYTHM ON THE RIVER" GIVES

N. Y. PARAMOUNT

BIGGEST LABOR

DAY BUSINESS

IN 5 YEARS! . . .

topping every Crosby picture ever to play that theatre... AND outgrosses "Road to Singapore" in 8 key city engagements!

Paramount's "RHYTHM ON THE RIVER"

Starring

Bing Crosby, Mary Martin, Basil Rathbone

with OSCAR LEVANT, Lillian Cornell, Oscar Shaw, Charley Grapewin,

Jean Cagney, William Frawley, John Scott Trotter.

Directed by Victor Schertzinger; Screen Play by Dwight Taylor, Based on a Story by Billy Wilder and Jacques Thery

Real Actors on Location, Too Much B.O. Opposition to Lefty's Filmy

By Joe Laurie, Jr.

Coolacres, Cal., Sept. 3.

Dear Joe:

Well, our town is in an uproar—we finally got a troupe from Hollywood using the town as a location for shooting an unnamed Western picture. It seems McNamara, the director of the picture, passed through here some time ago and saw a big tree that he got a terrific yen for, and he has been waiting all this time for a spot in a script that calls for a tree. Well, he got it and insisted that his company come here and use the tree. I think it's for a hanging scene. He tried to locate the owner of the land that the tree is on, as he wanted to pay \$100 a day for the use of it, and the funny part of it is nobody seems to know who the tree belongs to as the records were burned at the County seat about 10 years ago. Of course a lot of smart-guys tried to edge in and collect, but finally the Town Council gave permission to use the spot without dough. It's one time in my life that I wished I owned a tree; it just goes to show you one never knows what to invest money in these days.

It sure gives me and Aggie a great kick to watch the actors walking around the town trying to act like regular human beings and all the town folks trying to act like actors. The gals of the town are wearing their best dresses and shorts, the boys are putting on their best Gable-manners, the old folks walk and talk like character people they have seen in the movies, and every kid in town is around doing hand-stands, making faces, walking like Chaplin and trying to out-Rooney Mickey, while their mamas hang around the director trying to call his attention to their offspring's wonderful talent. Everybody thinks McNamara, the director, will look at 'em and say, 'My Gawd, you're just the type, sign this contract at once for \$1,000 a week.' Well, so far all the director seems to look at is that tree and all he sees is, 'Gee, ain't it swell?'

Business at the theatre is not so good, as picture actors in the flesh walking the streets is too much 'opposish'. Some of the actors drop in to see the show, but that's all on the cuff, the only free thing they get in the town, outside the tree. Everybody raised their prices for everything. Even the 5-and-10 is thinking of raising its prices. The slogan seems to be, 'Let's take the actors.' Everybody figures they are helping the actors by charging them more for everything. 'They can take it off their income tax,' is the chorus the towners are singing.

Maybe They'll Find Judge Crater

The hotel opened up rooms that they didn't know they had. It's one of them places that you have running water when you fill the pitcher. It also has plenty of pillow pigeons. The leading lady of the picture wanted the second and third floor because she said she tossed in her sleep. One actor told me they gave him a room with a window that didn't open, but as there was no glass in it he had no occasion to open it. All the kids of the town hang out in the lobby getting autographs. When I was a kid we were thrilled just to look at an actor without trying to find out if he could write or not. These actors seem to be a pretty nice bunch, although when I talk about vaudeville to them they don't know anything about it; all they know is pictures, and only the ones they see in the Western picture.

The barber in town is worried on account of this being a Western picture; he figures they will be shaving him here and everybody in town will start growing beards and long hair for the opening.

It seems somebody is always worrying about something in this world. One of my customers is worried about what the King and Queen of England say to the different war workers they meet in the newsreel pictures; you always see them shaking hands and talking, but never hear what they say. I guess they say the same things as the catcher see to the pitcher when they have a talk.

Best to the gang and takeahandfulunforyourself, SEZ

Your pal,

Lefty.

P.S.—Rae Samuels sez, 'The heart has no wrinkles.'

Exchanges

Continued from page 23

Str., who just opened the new Fort, Aug. 2, made a deal selling 50% of the house to his son, George, Jr., who came on from Greeley, Colo., to manage the property. Senior Monroe is hiding time here, and plans to remodel the Goldwyn. His departure is determined when and if the Variety theatre is to be torn down.

Orville Rennie, for several years city manager for anti-State in Hastings, Neb., left the outfit Sunday (1) to manage new radio station, KHAS.

The Variety (old Liberty), swelled from 900 to 1,100 seats, and from action to A bracket operation, opened Wednesday night (28) with 'All This, and Heaven Too' (WB). It's a Nebraska Theatres, Inc. property, allied to the L. L. Dent-Westland Theatres of Colorado and Oklahoma. NTL g.m. is Howard Federer, and the house is managed by Bill Knight. It is single feature, 44c and 28c.

When Federer, incidentally, wanted to change the Variety, the name of the house immediately prior to the new title, from the old to his new theatre, he sought a new name for the old house which wouldn't be too expensive. Variety, lying on his desk, gave him the answer.

Called the neon man had him move the 'I' and sub the 'S' with an 'E'. So now it's the Variety theatre.

Shutters in Iowa

Ledyard, Ia., Sept. 3. W. R. Gorman closed his Ledyard here this week, leaving the town without a flicker house.

Des Moines Doings

Des Moines, Sept. 3. Al Hill, office manager at Sioux Falls, has been appointed office mgr. and head booker at the important exchange at Des Moines by RKO, while Marvin Wolfish, booker in Minneapolis, moved into Hill's post at Sioux Falls.

Elnie Lung succeeds Wolfish in Minneapolis and Douglas Desch, former branch manager for independent distributors in Kansas City, assumed office mgr. at Dallas, Robert

E. Helms, in that spot for RKO in Dallas, resigned.

Theatre Flooded 24 Times

Spartanburg, S. C., Sept. 3. Marshall theatre swamped by flood second time less than a month. Six feet of water.

G. F. Lundy announces 250-seat house at Barnwell, S. C. He owns Ritz there.

Sanford, Fla. board has okayed Sunday pix, thus removing ban clamped on some time ago.

State, Charlotte, new sound equipment.

Buddy Turner, assistant manager State, Spartanburg, resigned to enter private business.

Pat McSwain, former manager, Strand, Spartanburg, named manager of WGN, Gastonia, N. C.

Dade Theatres, Inc., Miami, incorporated, 100 shares, \$1,000 par. A. Prothro, R. O. Burr, directors.

Vogue Theatre Corp., Orlando, Fla., incorporated, 10 shares, \$1,000 par. G. C. Diamond, Norma Butt, J. A. Cargill directors.

Fred Beaty, Capitol, Macon, Ga., assumed duties as prexy Macon Theatre Club.

Milton Starr, Nashville, owner Union, Spartanburg, plan to remodel and operate second house here.

RKO-Schine S'case Shifts

Syracuse, Sept. 3. Reorganization of the RKO-Schine personnel in Syracuse was completed yesterday. Harry Unterfort, succeeded Gus W. Lampe as city manager, will continue as manager of Keith's, assisted by Irving Cantor. Gene Curtis retains the Paramount, assisted by Dick Feldman. Max Rubin assumed command at the Eckel, assisted by David Young, new-comer. Harvey Cocks, managing Strand, with Richard Wiederkher, assistant. Stephen O'Bryan, as city manager, takes over Palace.

Philly Film Row Briefs

Philadelphia, Sept. 3. The Showmen's Club meets Thursday to iron out plans for the opening of its new headquarters on Vine street.

Elsie Finn and Charles Fisher, Record columnists; Henry Murdock, Evening Ledger film critic, and Everett Callow, Ted Schlanger and Skip Westover of the Stanley-Warner

organization will represent Philly at the preening of 'Howards of Virginia' at Richmond.

Bill Goldman, Daniel Katlin and Sidney H. Ellis celebrating birthdays this week.

Stanley-Warner circuit planning new 1,000-seater at Atlantic City. Its new development in Upper Darby Township.

Earle Sweigert and Herb Elliott to be 'Kings-for-a-day' at Variety Jubilee banquet at Atlantic City tonight (Tues.).

Charles Zagrans, new RKO branch manager, and Frank McNamee, the man who succeeded at Atlantic City, are of honor at a dinner tendered by the industry at the Warwick hotel Sept. 28.

March of Time

Continued from page 3

first showing the new version of 'Ramparts' in Memphis Friday (30). 'UFA' and the German Embassy, however, refused to accept a Rochmont's title and, it is understood, will take steps to legally protect its copyright as well as make whatever reprisals are possible. Rep of the German government on Thursday (29) threatened the head-of-a-chain-of-theatres (presumably RKO) with individual legal actions against each house in which 'Ramparts' was played and hinted at reprisals to be taken against a European affiliate of the American exhibition circuit (presumably RKO Pictures).

MOT Assumes Responsibility

De Rochemont immediately wired Baron Ulrich von Gienanth, second secretary of the German Embassy, that MOT would take full legal responsibility and asked that 'one Ernest Hepp, representing himself as connected with the German Embassy,' cease threatening theatre exhibitors.

MOT is using the UFA footage in a new ending put on 'Ramparts' after test engagements. It shows German armed might, purpose being to point up the necessity of preparedness here. De Rochemont declared that the Germans have no objection to use of the film, as it was produced for propaganda purposes, but do object to MOT's substitution of its own sound track. This changes the sequence from pro to anti-Nazi ballyhoo.

MOT producer charges that the German Embassy is attempting censorship. He pointed out that 'Baptism' was not only given away to theatres in this country, but that in South America houses were actually paid to play it. This makes clear, he declared, that it is not payment for the use of the film that is being sought, but rather a clamp-down on freedom of expression.

George Nitze, UFA chief in New York, who usually goes out of his way to be affable to the American press, refused to talk on the matter and acted annoyed at reporters' questions.

'Baptism' Clip in M.O.T.'s 'Ramparts' Stirs Memphis

Memphis, Sept. 3.

Inclusion of scenes from 'Baptism of Fire' in 'Ramparts We Watch' caused quite a flurry here among press public and officials of Loew's Palace, where the revised picture had its initial opening on Friday (30). Excitement started with arrival here by plane of Albert E. Sindinger, MOT ad and promotion head, with the print. Whether for ballyhoo purposes, or because of actual threats by the Bund, as was claimed, Sindinger and the print received police protection from the airport.

With arrival of the film at the theatre, it was learned that on orders from Joseph R. Vogel of Loew's New York office, the 'Baptism' portion of the film must be sheared. This gave the press another shot at a new lead and it was quickly followed up by arrangements for the newspaper in the afternoon. A couple hours later, an okay to splice it onto the original was received.

Nazi Embassy's Stant

Washington, Sept. 3.

Spokesman for the German Embassy here attempted to brush off the current dispute with March of Time, terming it merely a contest over title to the picture. He said, however, that in splicing a chunk of 'Baptism of Fire' into 'Ramparts We Watch', MOT had deliberately distorted the UFA film.

This was accomplished, he declared, by more distortion in quotations of Herman Raushnig's book, 'Voices of Destruction,' in the commentary accompanying the 'Baptism' footage.

Profiteering on U.S. Taxes, an Old Law, Caused Crackdown on Detroit Niteries; Theatres Warned Similarly

Detroit, Sept. 3.

Theatres planning to raise their prices to round numbers to duck the inconvenience of handling the penalties on the new Defense Act taxes had better warn their help not to tell the public that prices were raised because of the new taxes. It is apt to make Uncle Whiskers very sore, indeed.

While the theatres in these parts gained public good will by pointing out that the new taxes were for patriotic purposes such as battle-ships, etc., for national defense and got no squawks on the raised neither did they up their prices save for penny tax collections—the tavern keepers just rolled kneed-deep in trouble.

For instance, breweries absorbed most of the new tax in Michigan and only passed along what would have amounted to about 1/3c a bottle. But it was too good an opportunity for the barkeeps, night clubs and other places to miss so they promptly increased the price of Michigan bottle beer from 10c to 15c when 11c would have been plenty.

Not only did the brewers of Michigan yell-it put their products in the same price group as beer imported from outside the state—but Uncle Sam got interested.

It seems there is an old Federal law against profiteering on Federal taxes. Anybody who raises prices under guise that it is a Federal tax is subject to fine of \$1,000 and one year imprisonment.

And the Government isn't fooling about enforcing that ancient statute. In Michigan and other points in the Midwest the Alcohol Tax Unit is investigating price-raising brought about by the new taxes among the liquor and beer dealers. In Detroit alone they have checked up on more than 40 complaints and are ready to crack down. The Government officials aver the law applies the same way to theatres.

It is o.k. for them to advance

their prices but they better not tell the customers it is because of the new Defense taxes. That is using them as a pretext for price advancing which comes under the head of profiteering on Federal taxes. It will have to be made clear to the public that the raises are raised for convenience in money handling, is a general raise or something of that nature with the citizens also knowing just how much of the money actually is being collected as a Federal tax.

SEATTLE

(Continued from page 8)

ing fair \$3,000.—Last week, dandy \$6,900.

Liberty (J-V-H) — 'Stayed for Breakfast' (Col.) Indicates big \$5,300, holding. Last week, 'Captain Caution' (UA), \$5,000, good.

Musie Box (Hamrick-Evergreen) (850; 30-40-50) — 'Love You Again' (M-G) (4th week). Anticipates fine \$2,500.

Orpheum (Hamrick-Evergreen) (850; 30-40-50) — 'Kit Carson' (UA) and 'Girl Avenue A' (20th). Big campaign for 'Kit' getting big \$7,300. Last week, 'Round Mountain' (Par) and 'Tom Brown' (RKO) good \$5,300.

Palomar (Sterling) (1,350; 30-40-50) — 'Drive by Night' (WB) plus vaude. Eyeing neat \$5,200. Looks to holdover. Last week, '3 Faces West' (Rep) and vaude, \$5,100, big.

Paramount (Hamrick-Evergreen) (3,039; 30-40-50) — 'Rhythm River' (Par) and 'Chan Wax Museum' (20th) getting fine \$6,500. Last week, 'Frank James' (20th) and 'Golden Gloves' (Par) (2d week) okay \$3,600.

Roosevelt (Sterling) (800; 30-40-50) — 'Heaven Too' (WB) (4th week). Indicates sock \$2,900. Record run at this house. Last week, swell \$3,100.

Winter Garden (Sterling) — 'Lillian Russell' (20th) and 'Opened by Miss Lillian Russell' (M-G) (2d week). Lady \$2,500. Last week, 'Sandy a Lady' (U) and '20-Mule' (M-G) (2d run), fairish \$2,000.

New York Theatres

THERE'S A BETTER SHOW AT THE

RKO THEATRES

GONE WITH THE WIND
G.W.T.W. will not be shown except at advanced prices, at least until '41. For Reservations, call 4-6442.
Air-Conditioned
ASTOR
ALL SEATS RESERVED
Twice Daily 2:15, 8:15 p.m.

Capitol
Starts Thursday
New York is a Room Town
Clark Gable & Spencer Tracy
Claudette Colbert & Heddy Lamarr
"BOOM TOWN"
A Metro-Goldwyn-Mayer Picture
In Person Dr. L. Q. Ev. Mon. Nite

Loew's State
Last Times Wed.
"New Moon"
In Person
Ed Sullivan
Harriet Moon
Dance Winners
Starts Thur., Sept. 6
"ANDY HARDY DEBUTANTE"
In Person
Field Over!
Ed Sullivan
Harriet Moon
Dance Winners

20TH-FOX'S PFD. DIVVY.
Directors of 20th-Fox last Thursday (29) declared the regular quarterly dividend of 37 1/2c on the preferred stock. Divvy covered the third quarter of the company's present operating year.
Distribution will be made Sept. 30 to stock on record Sept. 18.

Beginning Friday, Sept. 6th
JAMES STEWART ROSALIND RUSSELL
in
No Time for Comedy
A NEW WARNER BROS. HIT
In Person
LARRY CLINTON & Mils
Orchestra
Air-Conditioned
STRAND Broadway & 47th St.

RADIO CITY MUSIC HALL
"LUCKY PARTNERS"
Spectacular Stage Productions

PARAMOUNT
2ND WEEK
In Person
CROSBY
K. MURRAY
WILL BRADLEY
& His Band
Dinah
Shore
Extra
Picture
TITO LIZAR
Minute Screen Shows

Alfred Hitchcock's Production of
"Foreign Correspondent"
UNITED RIVOLI Broadway
ARTISTS at 49th St.
Doors Open 9:30 A.M. 10NITE SHOWS

1940

APRIL

HITLER'S MOST POWERFUL FIFTH COLUMN WEAPON

Baptism of Fire, a new Nazi propaganda film produced by the German State Film Trust, is designed to terrorize the officials of countries which Germany is about to conquer. Leland Stowe, famed foreign correspondent for the Chicago Daily News, reports the film's terrifying effect upon high Norwegian Government officials just prior to the Nazi invasion. *Baptism of Fire* also used to "soften" neutral Belgium and Holland. The film was shown effectively to King Carol of Romania.

JULY

SEIZED BY THE BRITISH AS CONTRABAND OF WAR

Vast quantities of Nazi propaganda material seized by British Contraband Control officers at Bermuda, Gibraltar, Hong Kong and Port Said. Among seizures are prints of the notorious Nazi propaganda film, *Baptism of Fire*.

AUGUST . .

ANALYZED AND EXPOSED BY FOREMOST U. S. EXPERTS

Says H. V. Kaltenborn, radio commentator and student of propaganda methods: "No matter what effect the Germans intended this picture to have on Americans, *Baptism of Fire* tells us we must be prepared in our defenses and alert in our minds to resist the men and methods which glorify war and terror. Every American must see this picture." Says famed military expert Major George Fielding Eliot: "*Baptism of Fire* shows us Germany's mysterious 'secret weapon'—trained manpower coordinated with modern military machines. To clear-thinking Americans, *Baptism of Fire* carries but one message . . . PREPARE!"

SEPTEMBER .

NAZI OFFICIALS SEEK TO BAN OWN TERROR FILM AS 'UNFAIR TO GERMANY'

A spokesman of the German Embassy at Washington says: "*Baptism of Fire* when shown as part of *The Ramparts We Watch* is misleading. Rights to show our picture in this way must be denied."

BUT AMERICA WILL SEE IT
IN . . .

"THE RAMPARTS WE WATCH"

A NEW KIND OF MOVIE...FIRST FEATURE PICTURE

PRODUCED BY THE MARCH OF TIME

BLUE'S 5-MIN. NEWS SPOTS

Chain Income From Time Sales

	1940	1939	1938	1937
January	\$3,575,946	\$2,074,057	\$2,879,945	\$2,378,620
February	3,330,627	2,541,542	2,680,334	2,264,317
March	3,513,170	2,925,684	3,034,317	2,559,716
April	3,332,689	2,854,028	2,424,180	2,563,478
May	3,570,727	3,097,484	2,442,283	2,560,558
June	3,144,213	2,860,180	1,121,495	2,476,567
July	3,067,870	2,331,953	1,317,357	1,986,412
August	2,875,657	2,341,639	1,423,865	1,955,280
Total	\$26,404,427	\$21,626,562	\$17,323,776	\$18,746,948

MUTUAL

	1940	1939	1938	1937
January	\$317,729	\$315,078	\$269,894	\$213,748
February	337,049	276,605	253,250	231,266
March	390,813	306,978	323,877	247,421
April	363,468	262,628	189,545	200,134
May	322,186	234,764	194,201	154,633
June	299,478	228,186	202,412	117,388
July	235,122	216,583	167,108	101,458
August	227,865	205,410	164,626	96,629
Total	\$2,494,370	\$2,046,228	\$1,671,913	\$1,363,707

NBC-RED

	1940	1939	1938	1937
January	\$3,496,393	\$3,211,161	\$2,534,763	\$2,374,633
February	3,226,983	2,975,258	2,507,123	2,273,973
March	3,338,440	3,297,992	2,736,494	2,531,322
April	3,128,685	2,879,571	2,458,487	2,304,035
May	3,216,940	2,885,517	2,627,721	2,261,344
June	2,919,405	2,759,917	2,550,040	2,309,304
July	3,141,902	2,713,798	2,377,065	2,018,820
August	3,072,338	2,737,928	2,368,161	2,094,306
Total	\$25,541,086	\$23,462,140	\$20,259,854	\$18,067,737

NBC-BLUE

	1940	1939	1938	1937
January	\$908,815	\$822,739	\$1,158,753	\$1,167,368
February	905,101	773,437	990,930	1,021,809
March	965,904	872,860	1,070,335	1,082,961
April	912,833	681,412	852,018	973,475
May	817,682	815,585	786,479	953,475
June	722,695	622,487	650,529	794,083
July	688,538	569,757	581,645	688,630
August	605,924	574,944	572,938	690,871
Total	\$6,587,490	\$5,732,921	\$6,663,627	\$7,372,670

*Different system for allocating billings to the red and blue networks prevailed these years.

NBC RED TOPS CBS IN AUG.

NBC grossed 12.9% more in time sales for its two links this August than it had for the like period of 1939. The red network was up 12.2%, while the blue took a jump of 15.9%.

CBS ran behind the red, with \$2,975,657, the former's August tally. Columbia's margin over August, 1939, is 22.8%. On the first eight months CBS holds an edge of 22.2 over last year.

NBC's grand billings last month came to \$3,738,262, as compared to \$3,312,570 for last August. This time the red link accounts for \$3,072,338 and the blue, \$665,924. On the comparative first eight months of the year NBC is up 10%. Broken down by networks this latter increase figures 8.2% for the red and 17.8% for the blue.

Mutual's August '40 gross was \$227,865 or 10.9% better than it had been a year ago. The increase on the first eight months was 21.9%.

NAT'L BISCUIT TAKES BREED FROM McE

National Biscuit Co. is taking the bread portion of its advertising account away from McCann-Erickson. Lord & Thomas has been tentatively tagged as the successor agency. Transfer would become effective Jan. 1.

NBC Broadcast underwrote transcribed version of Martin Block's "Make-Believe Ballroom" over 19 stations for 26 weeks. This campaign ended Aug. 12, and the indications are that if the account goes to Lord & Thomas this series will be resumed.

KIDDIES ARE BACK

Juve. Shows Return to Bu. Air With the Fall

Buffalo, Sept. 3. With fall's approach, local kiddies' hours are flocking back to the ether. Liberty Shoe Co. resumed backing Sunday (1) of WEBR "Children's Hour" and Wm. Weckerle Co., milk dealers, brings back "Village School" Sept. 14 over WBN.

WEBR Stanza with Al Zink as "Uncle Bill" will run 45 minutes up to Sept. 15, when NBC's Mayntal Sisters shift to later Sunday time. Spot then will carry the full 15-to-noon hour. Station carried the show as a sustainer through the hot months, when eight-year sponsor asked his first suspension.

Weckerle show on WBN is for 39 weeks, through Barlow Advertising Co.

CBS' Musical Quiz

Going Off Sept. 9

"So You Think You Know Music!" CBS' quiz m.c'd by Ted Cott with critic Leonard Liebman as judge, will sign off with its 64th broadcast next week (Sept. 9). Originally broadcast on Sunday afternoon, program went off the air for a time, but mail response was so strong that it returned on a night spot.

This week's (2) broadcast was omitted.

Mayehoff vice Gould

Usual fall shuffle of radio schedules moves two more programs over WOR-Mutual. Effective this week, Composer-conductor Morton Gould's series' moves back from 9:30 p.m. to the 10:30-11 p.m. spot Thursday; while Ed Mayehoff's comedy stanza, "Mayehoff on the Town," takes the vacated niche.

Number of other WOR-Mutual

NEW POLICY FOR NBC; SELLS NASH

Figured as Listener Stimulant for Blue Network—Sees no Difficulty in Selling 25-Minute Segment After Proper Buildup

CHEAP BUY

NBC blue is also going in for five-minute news spots across the board. The network has sold the 9:30 to 9:35 p.m. period to Nash for a news summary by John B. Kennedy, Monday through Saturday, starting Sept. 30. Meanwhile the spot will be warmed up via the sustaining route, with Kennedy actually starting his assignment Sept. 16. Hookup will be Coast-to-Coast.

Setting aside of this five-minute period constitutes a departure in policy for NBC and has been adopted (Continued on page 28)

OLD GOLD GOING FROM NETWORK TO SPOT

Old Gold (Lorillard) is abandoning its Don Ameche-Claire Trevor show on the NBC-Red to go spot. NBC got its cancellation last week, and the big Friday night program folds with the Sept. 27 broadcast. Series started in early April of this year.

Lennen & Mitchell, agency on the account, has already begun to scout around for available time on local stations, although nothing has been set as to program policy. Decision to go spot is reputed to have been influenced by the way a campaign in that field with Sensation, another Lorillard product, has been generally clicking.

No disposition has been made by the agency of the future of Herb Polesie, who was brought in this summer to produce the Ameche-Trevor stanza, which has always originated from Hollywood. L & T's only other program from that point is the Woodbury Playhouse, of which Bill Robison is the producer.

Wonder Bread Buys MacQuarrie, Moving Him From NBC to CBS

Los Angeles, Sept. 3. Haven MacQuarrie's "Marriage Club," long sustaining NBC, swings to CBS Sept. 7 under sponsorship of Wonder Bread and Hostess Cake. Family quizzer displaces "Sky Blazers." Cash prizes will be offered to contending husbands and wives, with studio applause to determine the winners. Half hour show will air from KNX at 7 p.m. on Saturdays.

Marks the first commercial for MacQuarrie since he abandoned "Do You Want To Be An Actor."

Pepsodent May Air

Its New Mouthwash

Pepsodent may introduce another one of its mouthwashes on the air this fall. It's Maybreath. Product has been tested in various markets and with success.

Lord & Thomas is the agency.

ASCAP vs. Webs a 'Poker Game'

Radio head of an ad agency with programs on both NBC and Columbia last week described the situation now prevailing between the networks and the American Society of Composers, Authors and Publishers as a "poker game." He said that the agency men had more than a kibitzer interest in the proceedings since, after all, they collect their 15% commissions from the networks and that the latter can expect his support until the crucial moment, Dec. 31. Then, he added, it will be another thing. With no ASCAP music available, he will have to pull his No. 1 program. The account has already notified him to that effect.

This agency man pointed out that, until that time comes, he is under instruction from the account to extend every cooperation to the network involved, which includes the listing of one or two BMI numbers on each of the musical show's repertoires.

Friendly Broadcasters Ask ASCAP To Invite NAB's Radio Committee

Cantor Signs Femme Stage Comics for Ainer

Hollywood, Sept. 3. Eddie Cantor completed the talent setup of his new entry for Bristol-Meyers before taking the boat to New York. On the comedy side will be the femme team of Raye and Davis plus Tommy Mack. Bobby Sherwood directs the music, with Dinah Shore, recently with Ben Bernie, as vocalist. Edgar Fairchild presides over the dance club. Vic Knight will be back with Cantor as producer and Harry Von Zell hawks the commercials.

First 13 programs originate in New York and then the troupe comes to the Coast for the next quarter, at which time Cantor makes another musical for Metro.

WB STATION SIGNS ASCAP

KFWB, Los Angeles, which is owned and operated by Warner Bros. Pictures, Inc., yesterday (Tuesday) signed a new five-year licensing agreement with the American Society of Composers, Authors and Publishers.

Harry Maitzick, general manager of the station, who is in New York on a business trip, did the signing. Terms of the contract are the same as made available to the broadcasting industry by ASCAP a couple months ago.

WB is also owner of the Harms, Witmark and Remick catalogs, which are included in the ASCAP repertoire.

Indie stations in New York, which subsist almost entirely on programming based on popular recordings and transcriptions, warily watching one another for any sign of a move toward either side of the radio-ASCAP fence. Indie outlets such as WNEW, probably the biggest user of records, WMCA, WHN, WINS, WEVD, WOV, etc., will be forced to forego recordings of ASCAP tunes if they don't sign up with the Society before Dec. 31.

Martin Block, director of WNEW's "Make-Believe Ballroom," who airs 21 hours of records a week in morning and evening shifts, has an original tune set to replace his current ASCAP theme song. Call it: "It's Make Believe Ballroom Time." Present one is the program title and was first recorded by Charlie Barnet's band about four years ago.

CBS' S. C. Addition

WORD, Spartanburg, S. C., has joined CBS as part of the southeastern group. Its night-time rate will be \$100 an hour.

Regular monthly meeting of the board of directors of the American Society of Composers, Authors and Publishers was put off last Thursday (29) to tomorrow (Thursday) because a quorum could not be recruited. Many of the board members had left town for the holiday.

One of the items to be discussed was a suggestion from broadcasters friendly to ASCAP that the Society extend an invitation for a meeting to the radio committee of the National Association of Broadcasters. These friendly broadcasters contend that ASCAP should, out of good business tactics, show a disposition to exchange views immediately with this group regardless of what ASCAP may think of the committee's setup.

Another matter that tomorrow's meeting is slated to mull over has to do with regulation of the restriction practices among ASCAP members. It will be recommended to the board that the restricted list committee should be empowered with full authority to determine what constitutes "restriction good faith," as provided for in the ASCAP bylaws and licensing contracts. There is strong sentiment that the practice of restricting numbers has been awkwardly handled and that a clear set of rules on the subject should be composed.

ASCAP is also working on a policy that would look to closer co-operation with agency producers of commercial programs, even though it has decided not to deal directly with such users for performing rights if no new deal is made with the networks. The way will be eased for agencies with short appropriations to make freer use of production and like numbers.

John G. Paine, ASCAP general manager, will within the next week make the first of a series of letters to broadcasters explaining ASCAP's viewpoints on such questions as network responsibility; why he wasn't permitted to speak before the recent NAB convention; what part the ASCAP catalog plays in the cultural and business ends of broadcasting, etc.

CHESTERFIELD CLOSES DEAL FOR 'PROF. QUIZ'

Chesterfield (Liggett & Myers) will take "The Professor Quiz" session Oct. 3 for a 68-station hook-up on CBS.

It will be the Thursday 10:15-10:45 p.m. spot. Newell-Emmett is the agency.

Wed. Spot for 'Big Town'

Hollywood, Sept. 3. Russo's "Big Town" moves into Wednesday night spot on CBS when it starts its fourth year Oct. 9, vacating its customary Tuesday niche. Program returns to its old formula, with Edward G. Robinson as the crusading editor, and Ona Munson as the sobbie. It's an 8 p.m. spot. Crane Wilbur resumes as script editor and producer.

NBC Sells Time Away From Mayer And Dorothy Thompson's Co-Op; Didn't Fulfill Minimum Hookup

Even though she had already been announced to open in the spot Sept. 29, Dorothy Thompson, columnist and news commentator, won't be heard over the NBC-blue Sundays between 7:30 and 7:45 p. m. NBC last week took this period away from Frederick Mayer, who arranges participating commercial hookups under the name of Regional Broadcasters Association, Inc., and sold it to the Better Speech Institute, of Chicago, along with the successive quarter-hour for a series starting the same date.

Reason given by the network for depriving Mayer of the period is that he had failed to fill enough stations with local or national participating advertisers. According to NBC, the hookup was to be a minimum of 23 stations. Mayer had arranged for the setup through an established Cincinnati agency, Stockton-West-Burkhardt, Inc.

These participating hookups are nothing new with Mayer, but ever since he worked out a deal with Miss Thompson and started soliciting accounts for the proposed Sunday evening program, station reps have been inquiring among themselves as to whether Mayer was engaged in buying time for resale. What aroused the station reps' speculation wasn't an academic curiosity, but the fact that certain accounts, on which they had been working for spot campaigns, suddenly called off these negotiations to join Mayer's hookup.

NBC explained last week that the arrangement which had been advanced through the Cincy agency, made the latter outfit directly responsible for all billings and the recipient of all time-commissions. It was also stated that while the network had no policy either way on participating hookups, it wanted more time to inquire into the details of this particular proposition. Mayer was also told last week that if he and the agency could fill up at least a basic network he and NBC could talk business; that is, if everything else is okay.

Martha Deane Switches From WOR to NBC; Will Use McBride Monicker

Martha Deane ends her six-year stand with WOR, Newark, Sept. 20, so that she can devote herself exclusively to a new five-times-a-week Florida Citrus series on the NBC-blue, starting Sept. 30. Rated in the top brackets among earners in the radio business, Miss Deane conducted during the six years with WOR a 45-minute program five days a week. With her departure from that station she loses that tag and carries on under her own monicker, Mary Margaret McBride.

In giving up her participating series, Miss Deane explained to WOR that the work of preparing and doing a daily 45-minute program was getting to be too much and that with the citrus account she would not only get a network audience, but be able to reduce her daily chore. On NBC it will be a quarter-hour program.

The WOR series brought the station \$5,300 a tag for time and talent. Bessie Beatty, who has a writing and editing background, will take over Miss Deane's spot Sept. 23.

Cal. Fair's Radio Day

San Francisco, Sept. 3. Howard Lane, KFHK, Sacramento, has been named chairman of Radio Day at California State Fair, Sacramento, Saturday (7). Bill Adams, of KSFO, Farm Journal, is secretary, with committee including Fox Case, CBS public relations director; Ralph Brunton, of KJBS, and Horace Thomas, publisher of Marysville Appeal-Democrat. Kay Kyser's band will be featured attraction.

Adams will air his 5:30 a.m. and 12:30 noon editions of Farm Journal from fairgrounds on special day.

Jackson Moves Up

San Francisco, Sept. 3. K. M. Jackson, northern division sales manager for CBS here, leaves this week for Chicago to assume new post with Radio Sales as eastern rep of CBS Pacific Coast Division. Charles Morin, KSFO sales manager, moves down hall to Jackson's old desk.

Feen-a-Mint Also Pulls Last - Min. Nix on Spot Biz

Feen-a-mint (Health Products) last week did a Vicks campaign for the fall and winter with the idea of going network. The laxative has reserved the Sunday 6 to 6:30 p.m. period on Mutual, with the okay to be forthcoming next Tuesday (6). The starting date and the show will be designated at that time.

Feen-a-mint's spot campaign, involving over 40 stations, was practically all set to go when the William Esty agency issued the stop orders. Contracts were for 39 weeks, with the one-minute announcements running at the rate of from two to five a week.

As happened in the Vicks situation, the stations on the Feen-a-mint spot list are expected to waive performance of the two weeks' notice contained in the cancellation clause.

NOT TOO LATE FOR SOME RADIO MEN'S SCHOOLING

Atlanta, Sept. 3. Seven members of staff of WSB, NBC Red mouthpiece here, are varying the monotony of their radio duties by attending college. And one of 'em is studying to be a preacher. Management encourages this sort of thing, precedent being set in case of Marcus Barlett, production manager, who was graduated from Emory U. in June, 1939, with Phi Beta Kappa honors. Barlett was station's musical director while attending Emory.

Those now in school are: Emory U.—Claude Wilson, announcer; Stanley Edwards, music librarian; James Hardin, announcer; Elmo Israel, publicity director.

Georgia Tech.—Marshall Davie and Bill Wyre, both engineers.

Columbia Theological Seminary—Dana Waters, announcer.

Publicity Director Israel, lone graduate student among this group, holds an A.B. degree from Alabama U.

Another staffman, James Bridges, continuity editor, received his diploma from Georgia U. last week.

WDR, Hartford, Puts FM Outlet In Position to Catch Commercials

Hartford, Sept. 3. WDR is divorcing itself from its offspring FM station, WIXPW, and puts same officially on its own feet Monday (16). WIXPW, at that time, will become a separate entity, broadcasting its own programs and maintaining its own staff. Believed to be the only FMR in the country to maintain its own setup, and it will operate at the start on a 12-hour-a-day basis.

WIXPW has been in operation on 1,000 watts power for about a year. Currently pending is a 50,000-watt application before the FCC. Direct move behind the WDR setting up

Blue's News

Continued from page 27

as another device for stimulating listener appeal for the blue network. CBS has had Elmer Davis in the 8:55-9 p.m. spot for a similar chore over a year. NBC red and Mutual remain the only cross-country networks that aren't selling time in five-minute units.

Blue sales department figures that it shouldn't have much difficulty in disposing of the 9:35-10 p.m. period soon after the nightly news period preceding it has had the proper buildup. Belief in this quarter is that the 25-minute segments can be developed in important pulling units, provided the right programs are put in them, since the news spot will have created a potent listening habit. Blue's sales department also proposes it base its pitch on the claim that the 25-minute periods are the cheapest buys in network broadcasting. They will not only sell for 50% of the half-hour rate, but be subject to the usual blue discounts. Nash is paying 25% of the half-hour rate for his five minutes.

NBC has several complications yet to clear up before it put the nightly five-minute news service into effect, but these won't effect acceptance of the order. Complications mostly have to do with the clearance of the time affiliated stations which also release for the red network.

Nash will go on using some spot broadcasting in its advertising coverage this fall and winter.

'Musico' Switch Result of Sked Jam on WEEI

Boston, Sept. 3. Switch by the A. & P. store chain of its 'Musico' stanza from WEEI to WEEB-WBZ last week resulted from an anticipated schedule jam on the former station. Account had been advised that with the change back to standard time the period filled by 'Musico' would have to be pre-empted. Power angle was not involved.

Show will continue to be cleared this fall through WJAR, Providence, and WTIC, Hartford. Paris & Peart is the agency.

STROMBERG-CARLSON PUSHING FM SETS

Stromberg-Carlson began this week what is believed to be the first campaign to advertise FM radio sets, switching commercials from the former plugs for regular AM sets on its three-week 'Treasury of Music' series over W2XQR, New York. Sponsor also started pushing the FM sets via its mag ads.

Change of the commercials on the 'Treasury' series coincided with the start of a new year's contract. Programs are heard over the station's FM transmitter, W2XQR, as well as over the regular transmitter. During October, November and December the company's campaign will be intensified through the use of an additional 30-minute stanza weekly. Stewart, Sanford & Casler, of Rochester, N. Y., is the agency.

of FMR which will originate its programs from the WDR studios, is probably two-fold.

One is for propaganda purposes for FMR. The other is believed to be the staircase to commercial sale of time. FCC is allowing sale of FM time after Jan. 1.

Robert Provian has been promoted from mikeman at WDR to head of promotion and production of the FMR. Has been replaced by Robert Jones, formerly with WMAA, Springfield, and WABY, Waterbury, Conn. McClood and Carlton Brown will staff the engineering side of the station. Other appointments will be announced later.

Making It Tough for Stations

Station reps report that some agencies have made it tougher than ever this season for a station to move a piece of spot business without subjecting the contract involved to cancellation. Moveability clauses written into their contracts by a few of these agencies are described by the reps as classics in restrictive phraseology.

One of the clauses quoted requires that if a station's program schedule undergoes any revision whatever, the agency must be informed of the contemplated changes. If the reshuffling involves the agency's own spot account and another niche for this account suggested by the station does not prove satisfactory to the agency, the latter reserves the right to cancel the business immediately.

Still another clause requires the station to furnish a detailed report of program sequences in the event any shifts are made.

Vicks Salvaging 65% Spot Biz; 'GWTW' Now Involves Stack-Goble With Grove's

WJNO, CBS' FLA. OUTLET, REORGANIZES ITS STAFF

Palm Beach, Fla., Sept. 3. Staff of WJNO, CBS station in West Palm Beach, has been completely reorganized. Ben Decker, vet Palm Beach broadcaster, is new program director, and Fred Ford is commercial manager, with complete charge of local sales. Merrill Meade, formerly of the Cincinnati Post and Miami Daily News, becomes commercial copy chief and news editor. John Moore remains chief engineer.

Schedule of eight UP news programs are now regular daily features. 'Mr. Quizbee', 30-minute audience participation show Tuesday nights from the Lake theatre, has been sold to three ice companies, effective next Tuesday (10). Hunter Reams is Mr. Quizbee and Ben Decker announcer.

Jerry Lester Drops Phone Bit On Hope's Beef

Myer on the wire bit which Jerry Lester had been doing on the Pepsi-Cola program (NBC-red, Tuesday nights) was dropped last week because Bob Hope, who is on vacation from the spot, thought that the character was too reminiscent of his own Professor Calonna. Both Hope and Lester are managed by Jimmy Saphier, who wrote Jerry the taboo instructions from Hollywood.

Saphier explained that Hope built up this telephone bit to the point where it had become a very important part of the program and also that the stooge that Lester used sounded too much like Calonna. For last Tuesday night's (27) program, Lester substituted a juve character tagged Foindexter, but it was dropped after the broadcast not to repeat him.

Lester winds up for Pepsodent Sept. 17.

Mansfield's New Tenor Spot on 'Smoke Dream'

Cincinnati, Sept. 3. Ronald Mansfield, tenor, now with George Olsen's orch, joins the Crosby staff Sept. 15 to fill a feature spot on the 'Smoke Dream' 30-minute Sunday program, which starts a new series for LaFench cigars Sept. 28 on WLW and feeding to the NBC Red network.

He was on the Fibber McGee and Molly show for two seasons.

'Uncle WIP' Hurt

Philadelphia, Sept. 3. Wayne Cody, WIP's Uncle WIP, director of the station's program for mopps, sustained a fractured left arm Wed. (28) in an automobile accident near Pennsgrove, N. J. Cody, former orch. leader, was returning from the Uncle Wip Club's annual picnic at Riverview Beach. Nicholas Brown, 11-year-old club member, was also hurt.

Vick Chemical last week abandoned all its ambitions to do a weekly half-hour version of 'Gone With the Wind' over CBS and turned its concentrated attention to salvaging what it could of the station list which had previously been lined up for a 26-week spot campaign. Morse International, regular agency for Vick, has been able to recover 65% of station schedules that had been cancelled when Jerome Patterson, Vick advertising manager, closed with the Stack-Goble agency for the 'Wind' program. Vick is now faced with having to start its air advertising somewhat later than it had originally intended. Most of the old spot contracts called for a Sept. 1 starting date.

In its drive to recover lost ground, Vick got an unexpected break from the sudden cancelling by Feen-a-Mint of its own spot campaign to go network. Vick picked up a number of these deleted schedules. Mustelore, a competitor, had picked up about 25% of the spots Vick canceled. Bromo Quinine, through J. Walter Thompson, which has the spot end of this account, also got some.

While Vick is trying to forget the embarrassments and inconveniences caused by the 'GWTW' debacle, and undertaking to take up where it left off three weeks ago, more complications are reported to have bobbed up for Richard A. Porter, head of Stack-Goble's New York office, who engineered the 'Wind' sale to Vick. Porter, it is said in the trade, has been called by one of his agency's important accounts, Grove's Bromo Quinine, on the matter. Grove's predicates its interest on the assumption that, like Vick, it deals in cold remedies and the question that is reputed to be intriguing Grove's is whether Porter was in on the deal merely as a program agent, whether his agency was also to participate in the time billings and merchandising of the 'Wind' series.

Grove's is set to return the 'Sherlock Holmes' series to the NBC-blue Sept. 29.

Gov. Dickinson Makes A Radio Speech, But Piano Sloughs Him

Detroit, Sept. 3. For the first three minutes of Governor Luren Dickinson's only campaign speech (28) before Michigan's primary election, a piano tinkled unwanted accompaniment and drowned him out. In fact, Gov. Dickinson was on page three of his script before his audience—those who had stuck it out—could make out what he was saying.

Station WJR here got plenty of calls on what was wrong. 'Nobody knew, since it was picking it up from another Detroit station, WXYZ. Latter station said it couldn't be blamed, since the governor was speaking from WJIM, Lansing. All the Detroit stations could hear it was said, was stick with it until the trouble was cleared up.

Howard Finch, program director of WJIM, said he didn't know either what caused the boisterous musical background. Republicans yelled 'politics.' Democrats said it would have been better if they had just let the piano go it alone.

San Antonio.—Tommy Reynolds, who hails from KRBC, Abilene, and Bob Snyder have joined KABC's announcing staff.

San Antonio.—WDAI has added Irene Schrimsher to its traffic department, and Monte Kleban to its production staff.

SEE NO TRADE INDICTMENTS

Mich. Rep., Demo State Chairmen Both Execs. of the Same Station

Lansing, Mich., Sept. 3. State radio directors for both Democratic and Republican parties during the coming campaign are executives of the same station, WJIM, local NBC outlet. Harold F. Gross, handling the Democratic air campaign, is owner and general manager of the station. Howard K. Finch, directing the Republican efforts, is production manager.

They are close friends and not only intend remaining on speaking terms during the campaign, but will both continue their station activities. Gross is also owner of WHAL, Saginaw.

WLW WINS AWARD FROM N. Y. FAIR

Cincinnati, Sept. 3. For its 'outstanding service to the New York World's Fair,' WLW will be presented with a plaque and scroll Friday (6) night during the station's regular program from the fair, conducted by Joe Ries, educational director of the Crosley 50,000-watt. Notice of the award was received last week by Jim Shouse, general manager of the Crosley stations, from Dr. John S. Young, radio director of the fair.

Last year and again this season, WLW carried nightly 15-minute interview programs from the Crosley building and other points at the fair.

Orville Rennie Quits

Theatre Post for Radio
Omaha, Sept. 3.

Orville Rennie, vet musical comedy tenor, has resigned as manager of Tristates' Rivoli theatre. Hastings, Neb.

He will become manager of the new radio station in Hastings.

IBEW WOULD INCLUDE ALL COAST TECHNICIANS

Hollywood, Sept. 3. Campaign has been launched by International Brotherhood of Electrical Workers to organize all technicians and supervisors in coast radio. KHJ and KMPC already in the fold, with technicians at latter station given increases up to 40%. Current contract with technicians at KHJ is not disturbed by the new alignment until expiration in 1941.

Al Cormier With WHN

Al Cormier, formerly vice-president of Hearst Radio and manager of WINS, New York, has joined the sales staff of WHN, New York. Besides handling local accounts, he will represent the station in Philadelphia. Before being associated with Hearst, Cormier was vice-president and general manager of WIP, Philadelphia. He joined WIP in 1926, as the station's first time salesman.

RUMORS INVOLVE NBC, CBS, ASCAP

Petrillo Also Mentioned as Facing Government Anti-Trust Action — Reports Even Set Date of CBS, NBC Indictments as Oct. 5; ASCAP, Oct. 8

WASH. BRUSHOFF

Washington, Sept. 3. New York rumors that official D. C. bodies, ranging from the Federal Communications Commission to the Dept. of Justice, were 'probing' sundry radio and music matters are partially acknowledged here, but given the brushoff in the main. The elements involved in alleged anti-trust 'indictments' are NBC and CBS; James C. Petrillo (AFM vs. AGMA); and the American Society of Composers, Authors and Publishers.

Most conclusive the ASCAP matter, wherein Jim Hayes, chief aide to trust-buster Thurman Arnold of the Justice Dept., expressed himself as 'highly pleased with the co-operation' extended him by ASCAP in answering a general questionnaire. Whether any formal indictment, or even a formal investigation will follow, is still nebulous right now. If anything, this is a 'preview' to any such action.

In re the Petrillo matter, the 'inquiry is not as far advanced as with

(Continued on page 33)

Rankin Gets Demos' Nat'l Campaign, Wallace to Fisher; Nets' Credit Plan

Harold Meyer New Mgr. of KYA, Frisco

San Francisco, Sept. 3. Harold H. Meyer is new manager of KYA, Hearst outlet here. From five years with WSUN, St. Petersburg, Meyer became director of sales for New York Broadcasting System prior to assignment here. It's his first time in Frisco.

MPLS. STATIONS CASH IN ON POLITICAL SALES

Minneapolis, Sept. 3. With state and national campaigns both coming up, local radio stations are lining up a large number of political broadcasts. Some of these already have started.

Other new fall business also is in evidence. Station WCCO (CBS) reports Stott Brigquets signed up for 15-minute broadcasts three mornings a week, it taking over the Sunrider program running from 6:45 to 7 a.m.

Same station has a new program coming up — Sportsman's Service Bureau, sponsored by Dupont. It will consist of Grantland Rice's 'shooting adventures' and will be electrically transcribed. Starts in Sept.

William H. Rankin Co. has been named as the agency on presidential campaign business by the Democratic National Committee.

Network hookings will be cleared through this house instead of coming from the committee direct, had been the practice up to last week.

M. M. Fisher Associates, of Chicago, has been named by the committee to handle the spot campaign being used during Secretary Henry Wallace's current tour of the mid-west.

Both Democratic and Republican national committees in recent meetings with the treasurers of NBC, CBS and Mutual worked out credit arrangements whereby the politicians will be billed the first of each month and make payments the 15th of Sept., Oct., and Nov.

25G SLANDER SUIT

Attorney Charges Radio Commentator Damaged Him That Much

Seattle, Sept. 3. Charging that he slandered him in a broadcast over a local station, John C. Stevenson, attorney, filed a suit for \$25,000 against Lester M. Hunt, radio commentator. Politicians here are throwing bombs at each other verbally and it won't be surprising if several other like suits are filed before the primaries.

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THE GOODWILL STATION

From the Production Centres

IN NEW YORK CITY . . .

Sandra Michael, author of 'Against the Storm' and 'Lone Journey,' holding story conferences by phone as she recuperates at her Silvermine (Conn.) home from recent appendectomy. . . . Hyla Kizales, WOV g.m., back from stay at Saratoga Springs. . . . Bill Strauss, chief announcer at WQXR, back from Washington 'vacation,' during which he attended White House and State Department press conferences and haunted the radio gallery of the commuting between the station and his home in Bridgeport, Conn., totals more than a month's time out of every year.

Edwin Wolfe, director of 'Pepper Young's Family' and 'Second Husband,' back from rest in Nantucket. . . . Wynne Murray, singer in 'American Jubilee,' to be guest soloist on Raymond Page's 'Musical Americana' Sept. 10. . . . Jimmie Lunceford's orch being heard thrice weekly on CBS wire from Casa Manana, Culver City, Calif. . . . Edward Irvin, production manager of WBNX, N. Y., cruising in Long Island Sound.

IN HOLLYWOOD . . .

End of last month marked 40 years in show biz for C. B. deMille. Over the four decades he has functioned successively as actor, playwright, manager, director and producer. . . . Carl Hoff directing the music at Los Angeles county fair for the second years. . . . NBC's new sustainer, bowing Sept. 7, features Billy Halop (Dead End) and Phyllis Ruth in Charles Marion's dramatic 'Baggy O'Day'. . . . Ted Hediger produces for the net. . . . Andre Kostelanetz and Lily Pons located in from Hawaiian vacash. . . . Devere Zimmerman leaving her publicity post at Young & Rubicam to take the vows with John Van Horn, manager of agency's merchandising department in New York. . . . Adaptations for Silver Theatre series, resuming Oct. 6, will be done by Robert Riley Crutcher, brought in by Young & Rubicam on a 39-week deal. Cary Grant leads off the guest parade. . . . Arthur Eddy, late of Warners studio flackery, dreaming up exploitation stunts for Eddie Robinson's 'Big Town'. . . . Carl Moritz checked out of KNX press staff to personal rep Bobby Sherwood, music director for Eddie Cantor's new show. . . . Ted Sherdeman working with Carroll Nyre on Union Oil scripts while Jon Slott convalesces from hospital siege. . . . Chase & Sanborn, program back at the barrier with the same setup as before. . . . Walter O'Keefe here to hop up actor interest in Wendell Willkie. . . . Joe Bigelow putting words into the mouths of Kraft Music Hallers while Carroll Carroll takes a month's layoff in the east. . . . Arch Oboler casting for initiator of dramatic series for Procter & Gamble toing mark Oct. 4 over NBC.

IN CHICAGO . . .

Jack Drees moving the WIND mike to Hawthorne racetracks to pick up the daily feature turf attraction. . . . Quin Ryan up in northern Michigan to try to shake hay fever attack. . . . Elissa Landi, just finishing 'Wings for America' show over WGN-Mutual, will personal with George Jessel at the loop Oriental next week. . . . Louise Fitch added to 'Houseboat Hannah'. Betty Ruth Smith to 'Painted Dreams'. Mary Marren and Dorothy Francis to 'Road of Life', and Helen Van Tuyl, Judith Alden, Donald Kraatz and Frankie Pacelli to 'Midstream'. . . . Cleve Conway set for permanent announcing job with NBC here. . . . Nan Wynn set through Columbia Artists for engagement in the Ambassador hotel's Pump Room, switching the Warbler over from the Sherman hotel's College Inn. . . . Michael Romano goes into cast of 'Li'l Abner' at NBC.

WHN, N. Y., GETTING 9 ATLANTIC OIL GAMES

Atlantic Refining, which will have its usual lineup of eastern collegiate football broadcasts this fall, will sponsor nine of the games over WOR, New York. Six of the WOR airings will be Yale games, five of them from New Haven and sixth the Eli-Penn game in Philadelphia, also heard over WFIL in that city. Five Yale home games will be with Dartmouth, Navy, Brown, Cornell and Harvard.

Atlantic grid schedule over WOR starts Sept. 28 with the Ohio State-Pittsburgh game from Columbus, followed by the Yale-Penn contest, four Yale home games, the Penn-Army game from Philly, the Yale-Harvard game from New Haven and winding up Thanksgiving day with Brown-Columbia from Providence. It will be the fourth time WOR has had the Yale games.

Minn. U. Grid Games a Radio Seller's Dream

Minneapolis, Sept. 3.

Easiest program to sell to a sponsor in this football-mad section is U. of Minnesota football broadcasts, according to station heads here. Demand is in excess of the supply in this instance, they say. All seven Twin City stations will broadcast the games again this season.

As in the past, the university will not charge the stations anything for the broadcast privilege. However, no mention of the sponsor or any advertising whatsoever will be permitted while the game is in progress or between the halves. The advertising plugs can be made only before the game's start and after its finish.

For broadcasts of out-of-town games—at Ohio State, Northwestern and Wisconsin—three stations, WCCO, WTCN and KSTP, will combine, sharing the cost of the lines.

Inside Stuff—Radio

NBC-red's new rate card (No. 28) lists 24 stations, minus Cincinnati, in the basic network column and asks for an additional \$300 for this setup. Previous rate card listed but 23 stations, minus Cincinnati. In the group, with the total cost for a nighttime hour being \$9,180. The \$300 difference is accounted for by the addition of WSPD, Toledo, and the additional \$80 in the rate of KSTP, St. Paul. In a letter that NBC sent out with the new rate card, it was stated that 33 power and frequency improvements were made on the rate during the past year.

Attention was also called to the immediate boost in the rate of WIS, Columbia, from \$120 to \$140 an hour, and to the raise similarly of WFBC, Greenville, S. C., effective Oct. 1.

Blue network likewise released a new rate card. Among the additions are WKBB, Dubuque, and WCBS, Springfield, Ill., and the Florida network. On Oct. 1 WAKR, Akron, O., will also be available to blue users.

Bill Dyer and Harry McTigue, WCAU's baseball announcers, and Red Barber and Al Helfer, Mutual's ditto, will race four members of the Philly Sportswriters Association around the bases at Shibe Park, Philadelphia, tonight (Wed.). Occasion is the celebration of Chuck Klein night in honor of vet Philip outfielder. It's also 'radio attendance night'—plugged for the past three weeks as a chance for fans to come out and show their appreciation for the broadcast of the baseball games by General Foods and Socony Gasoline.

The race between the gabbers and scribes should be a hunk of something. Helfer weighs 265, Dyer is 20 pounds overweight, and Barber and McTigue are sporting charley horses.

In recognition of the recorded tributes sent to KFRO, Longview, Texas, on its opening day with 1000 watts recently, station selected five transcriptions and has made special awards to the stations which sent them. To WRR, Dallas, went the award for the best comedy presentation; easiest publicized went to KMBC, Kansas City; most unique program was received from the Z-Bar Network and station KGIR in Butte, Montana; best civic broadcast was made by KYUM, Arizona, and the most entertaining program award went to WKY, Oklahoma.

Evidencing the high degree of interest in radio, more than 300,000 visitors passed through the WCCO (CBS) booth at the Minnesota State Fair, Minneapolis, during the exposition's 10-day run. This was despite the fact that bad weather kept the fair attendance down.

The station gave demonstrations of sound effects and played recorded WCCO productions. It also originated 14 programs from the fair and made 10 transcriptions there, the latter being played back on the air later.

Ira Walsh, filling in as p. a. at WPEN, Philadelphia, is bombarding radio editors on the dailies and trade papers with communiques anent the station's new studios now under process of construction. Samples:

'Flash! Tommy Smith's (program director) new offices just got their carpeting.'

'Stairway between offices and control room near completion.'

'Plumbing going into ladies' powder room.'

Wythe Williams' hookup for American Razor will consist of 93 stations. There are few commercial links that exceed it, but in any event it will constitute the largest group of stations yet made available on a sponsored basis to a news analyst. Williams will be on for American Razor twice weekly, starting Sept. 10.

When Bob Hope returns to the Pepsi spot on the NBC-red Sept. 24 he won't have a name singer with him in the cast. There will be but two vocal refrains in the show, one filled by Skinnay Ennis, and the other by Six Hits and a Miss. Last season Judy Garland did a stretch on the series.

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Mr. Harry Norwood Hollywood, California

Dear Harry:

Just a line at the start of the third week of the Harry Allen personal appearance in the Victor Hugo. It's more than a success and it's a pleasure to know you that the Harry Allen has established a new record here.

This note likewise is a gesture of personal appreciation on the management's part for the splendid personal cooperation you have given us. It is gratifying to have not only such a fine talent, and not such splendid people in the Victor Hugo.

Best wishes to you and the Harry Allen for continued success.

Sincerely,

Walter Gussard

W/G/c

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Name

Address

City State

Firm

Tibbett New Prexy of AFRA, Arnold V.-P.; May Bolster AGMA's Position

Denver, Sept. 3. Lawrence Tibbett was elected president of the American Federation of Radio Artists, replacing Eddie Cantor, at AFRA's convention here which ended Saturday night (31). Vice-presidents include Edward Arnold, Margaret Spears, Virginia Payne, Mark Smith and Jean Herholt. George Heller was re-elected treasurer, and Alex McKee was named recording secretary. Emily Holt is national executive secretary. Tibbett is already president of the American Guild of Musical Artists, and Arnold president of Screen Actors Guild.

About 50 delegates attended the convention, which was described by AFRA leaders as the most successful in the union's history. Among the matters decided were the employment of a second national organizer; authority voted the national board to renew or revise existing sustaining and commercial code or call a strike; committee report on the Reis "one big union" report was approved with the exception that the proposed unification plan would have to be altered slightly to coincide with AFRA's democratic setup; national board was authorized to take any action it con-

siders best in the matter of the American Guild of Musical Artists—jurisdictional dispute, and the Wagner Act and Wages and Hours Law were recommended to be left unchanged. Detroit was named as the convention city for 1941, the exact date to be set later.

Novel action of the convention was the reading of reports from all locals. This was viewed by the union's leaders as progressive step in closer national unity. Two major points of discussion in both the local and national committee were reports on the status of national and local contracts.

Delegates

Following were elected delegates to the national board: George Heller and Lucille Wall, both of New York; Nellie Booth (new), of St. Louis; Jack Wilson (new), of Cincinnati; Norman Barry (new), Lewis Wareham (new) and Philip Lord, of Chicago; Ben Alexander (new), Tudor Williams (new), Tru Boardman (new); Eddie Cantor, William Brandt (new), Theodore Bliss (new) and Thomas Freebairn-Smith (new), of Los Angeles; Theodore Maxwell (new), of San Francisco, and Lawrence Tibbett and Mark Smith, as

delegates-at-large to represent locals not otherwise represented on the board. Naming delegates for the small locals was a new procedure.

Fact that only two delegates were elected for New York and one for San Francisco is explained by the fact that AFRA now has regional proportional representation on the national board. New York and San Francisco are already well represented, so they had only three vacancies to be filled between them.

Seen Supporting AGMA

Although the election of Tibbett, president of AFRA was said to have been almost spontaneous agreement as the ideal choice for the position, it was also regarded as indicating strong AFRA support for AGMA. In the latter union's jurisdictional dispute with the AFM develops into an open battle. Tibbett was one of the founders of AGMA and has been its only president. In addition to the angle of AFRA-AGMA unity seen in the election, Tibbett's known approval of the "big union" idea is regarded as increasing the likelihood of some action along that line.

Detroit—Lee Smits, former Detroit newspaperman and longtime friend of the late C. C. Bradner, has taken over the latter's former post as newscaster over WWJ.

Ralph Felbey is editing copy for many of the newscasts over WWJ. Dave Zimmerman, of NBC, Chicago, has joined the staff of WWJ as announcer.

SUMMER RATINGS: 1939 AND 1940

(Compiled by the Cooperative Analysis of Broadcasting)

MEDIAN RATINGS—½ HOUR EVENING PROGRAMS											
	2d	1st	2d	1st	2d	1st	2d	1st	2d	1st	2d
Report	Report	Report	Report	Report	Report	Report	Report	Report	Report	Report	Report
May	June	June	July	July	August	August	Sept.	Sept.	Sept.	Sept.	Sept.
1939	7.1	7.0	6.3	5.2	5.1	5.5	6.1	6.8	6.8	7.2	
1940	9.6	9.0	8.0	7.5	6.4	6.4	7.5				

MEDIAN RATINGS—DAYTIME PROGRAMS											
	2d	1st	2d	1st	2d	1st	2d	1st	2d	1st	2d
Report	Report	Report	Report	Report	Report	Report	Report	Report	Report	Report	Report
May	June	June	July	July	August	August	Sept.	Sept.	Sept.	Sept.	Sept.
1939	4.3	4.3	3.9	4.0	4.0	4.2	4.0	4.1	4.1		
1940	5.0	4.8	4.5	4.6	4.5	4.6	4.6				

K. O.'s Slump

Continued from page 1

ago, and probably the largest in the history of commercial broadcasting. Reasons for the startling upturn in listening are, of course, not cited by the C.A.B. since that body confines itself strictly to statistics and will not venture outside its mathematical stamping ground. However, trade observers are convinced that 1940's steamroller is in some way related to two factors:

1. The 1939-40 winter audience was undoubtedly the best in radio's history. It is a well-known fact that once the level of listening acquires a momentum, that momentum holds for quite some time. Hence last winter's momentum pushed far past the ordinary summer slump, and made the hot spell of 1940 a new high mark.

2. Listener interest in news has been running at fever temperature ever since the war broke out a year ago. This tendency may have stimulated listening all-around. It is, of course, difficult on paper to correlate Jack Benny with capitulation of Holland. And yet trade observers suspect some connection between these factors, since they all point in the same direction.

Conquest of usual summer low period has virtually meant that during 1940 the weak season consisted of exactly one month. Whereas June generally gets to be droopy, the wilting this year didn't set in until July. And whereas September is normally the beginning of revived audience interest, August this time was the period of revitalization. That leaves only July as the 1940 lean period, and at that it was way ahead of 1939.

It is noteworthy that while the evening shows fared—on the whole—at least 25% better than a year ago, they accomplished this feat with fewer 60-minute programs than in 1939. The daytime stanzas meantime gained between 10% and 15%, and that category there were more serials than ever before.

2 Lincoln Stations Set Plans for Power Boosts

Lincoln, Sept. 3.

Plans are all set for two big transmitter building sprees here as soon as FCC nods for the capital—a new one, centrally located for KFJR, and a big replacement for KFAB's present 10,000-watt klicker, in case the 50,000-watt rise is okayed at the hearing this fall. KFJR expects to get 250 watts all day, not having to make its regular sundown reduction to 100.

In Hastings, Neb., KHAS is taking off shortly, with Orville Rennie, former manager of the Tri-States Theatres, Inc., in the driver's seat.

P-G 'JOURNEYS' FULL, RED NET

Chicago, Sept. 3.

"Lone Journey," Procter & Gamble five-a-week serial over a regional NBC red hookup out of Chicago, will be extended to the full network beginning Oct. 21 and will originate at WEAF, New York. John Gibbs, producer-husband of Sandra Michael, who authors the program, arrived here over the weekend to confer with members of the cast to see which ones can move to New York with the show, and which will remain in Chicago. Those unable to transfer east will be replaced.

When the program moves east it will be directed by Axel Gruenberg, who was recently taken to New York by Gibbs to direct Miss Michael's other P. & G. serial, "Against the Storm." "Lone Journey" now plugs Drest. It will continue to plug the same product—the west and midwest when it goes over the full network. In the east, however, it will push Duz, another P. & G. product. Blackett-Sample-Hummert, currently the agency on the program, will retain the west and midwest end, but the Compton agency will have the Duz portion of the hookup.

Cincinnati — Bill McCord, announcer, has joined WLW. He was with KGW, Portland, Ore., and previously with KFPY, Spokane.

FACTORS THAT MAKE WNAX A TOP-STATION IN LISTENERS PER DOLLAR

The Champion

in SALES ABILITY

Closing the books for the 1939 fiscal year, the House of Gurney (Nursery) found that...

WNAX

the only station used:

Produced.....194,987 catalogue inquiries*
 Resulting in.....78,251 orders
 Totalling.....\$240,277.00 in sales
 Coming from every one
 of the.....401 counties
 In the Five States.... North Dakota
 South Dakota
 Minnesota
 Nebraska
 Iowa

These are championship returns—proof that WNAX has the coverage and the sales ability to do a cash-register ringing job for you. We'll be happy to send you county count maps on request.

*The number of inquiries covers two selling seasons but the number of orders and volume of sales apply to the 1939 selling season only.

A Cowles Station—5000 Watts L.S.—1000 Watts Nig ht—CBS—Rep. by The Katz Agency

RADIO STATION **WNAX** 570 ON THE DIAL
 Studios—WNAX Building, Yankton - Orpheum Building, Sioux City

Now
5000
 Watts Day & Night
WCAE
 PITTSBURGH
 At No Extra Cost
NBC-RED
MUTUAL
 ★
 International Radio Sales
 20 E. 57th St. New York City
 Chicago—San Francisco

Lively Showmanship
WINS LARGER AUDIENCES
 in the
INTERMOUNTAIN MARKET
 FOR **KDYL**
 Representative **JOHN BLAIR & COMPANY**
 The **POPULAR** Station
 Salt Lake City
NBC RED NETWORK

CBS Will Make Available, But Not Broadcast, Color Television Jan. 1

Columbia last week got itself back into the television picture by announcing in the dailies that it was ready to televise objects in full color. Chairman James L. Fy, of the Federal Communications Commission, had been given a private demonstration and his testimonial to what he had observed and what could be expected from the development was an unlimited one. Question that the announcement inspired around the broadcast trade was whether this meant that CBS was on the verge of unlimbering its own version of television, but Paul Kesten, CBS v.p., in a later statement, cleared this angle up by remarking that 'Columbia does hope than Jan. 1 will see the beginning, or at least substantial progress toward, the manufacture of such color television equipment.'

Kesten's statement also included the following: 'It should be further pointed out that while production of commercial equipment would enable numerous television broadcasters to avail themselves of the Columbia development, this does not necessarily mean that television broadcasting would be commercial in the sense of carrying sponsored programs, since no date has yet been set for such broadcast service.'

As for the Columbia color development, it was described as easy to produce, with the receiver used in the color demonstration being a standard production model, adjusted only to a minor extent and equipped with a simple attachment. Also, that the cost of the color attachment should be comparatively small. Columbia, it was pointed out, does not intend to keep this development for its exclusive use, but rather is already drafting plans by which color television can be made available to the public through manufacturers of television transmitting and receiving equipment.'

Columbia plans to give a demonstration of this development to the press and others today (Wednesday). CBS' announcement started speculation around the trade as to whether the color development might expedite the advent of commercial television.

FCC SETS FIRST LABOR LAWYER

Washington, Sept. 3. For what is apparently the first time in the history of the Federal Communications Commission an attorney has been brought in to specialize in matters involving employment and labor problems. The designee is Sidney B. Spear, who was formerly assistant to the legal advisor for the State Department.

Joseph L. Rau, acting FCC general counsel, stated that to his knowledge the assignment of a legalite to labor angles of broadcasting was something new for the commission, but he did not disclose the intent or significance of the move.

In the past the FCC has taken the position that matters of employment or labor in the broadcasting industry was strictly a concern of the Labor Department.

Philadelphia—David Gullette has been appointed technical supervisor at WCAU. He has been associated with the station since 1933.

No Indictments

Continued from page 29

ASCAP states the Arnold division in the Dept. of Justice. Questionnaires on the AFM-AGMA matter may not follow, if a more serious probe is planned.

Rumor Mill Busy

Latest indictment rumor going the rounds of the broadcasting business involves NBC and Columbia, and is to the effect that the two networks will have indictments charging monopoly and restraint of trade handed down against them in the New York or District of Columbia federal court. An exact date is even mentioned, namely Oct. 5.

The rumor concerning indictments against officers of the American Society of Composers, Authors and Publishers gave Oct. 8 as the date of bench action.

The network indictments, accord-

ing to the report, will be an outgrowth of the monopoly investigation by the Federal Communications Commission last year, and, covered by the counts, will be such practices as exclusive station contracts and the holding of interlocking interests in the recording, artists booking and other businesses. U. S. Department of Justice, it is also rumored, may likewise include in the papers the part the two networks played in the formation of Broadcast Music, Inc., with the angle here apparently having to do with the extension of their interests to the music publishing business.

Radio Play Contest

Chicago, Sept. 2.

Radio-Theatre, Inc., of Chicago, will hold a new play contest with an award of \$200 for the winning play. Contest closes on Sept. 28, and four plays will be chosen and produced during the winter season by the Radio-Theatre group.

Winner will be picked by a jury composed of Robert Pollack, of the Chicago Times; William Bacher, production head of WGN; Virginia Payne, head of the American Federation of Radio Artists; local, and Lloyd Lehman, non-pro attorney.

McNary's Overtime Talk Put Crimp In Meredith Willson's Homecoming

San Francisco, Sept. 3.

Vice-presidential candidate Charles McNary doesn't know it, but he broke a lot of hearts in San Francisco on the night of Aug. 27. It was homecoming day for Meredith Willson, local boy made good. His Johnson Wax show was due on the air at 5:30 from Community Playhouse.

As a tribute to their former maestro, five batons were playing in the orchestra for old times sake. Ricardo, Paul Martin, Ernie GHH, Ray Harrington and Louis Ford. Strutting their stuff on the show, too, were four former S. F. personalities, Kay St. Germaine, Cliff Nazarro, Ray Hendricks and producer Cecil Underwood.

Everything was swell—except that the program never reached the air. Senator McNary talked 11 minutes overtime and blocked the net. Although audience had no hint of it,

unexpected cancellation of this particular show nearly broke Willson's heart.

Local lad had his second air reversal three hours later when he conducted S. F. symphony at Treasure Island. Chaplin's 'Dictator' theme music and presented his own 'California Missions' music. Concerts are ordinarily broadcast—but soloist happened to be Oscar Levant, whose contract precluded mikes.

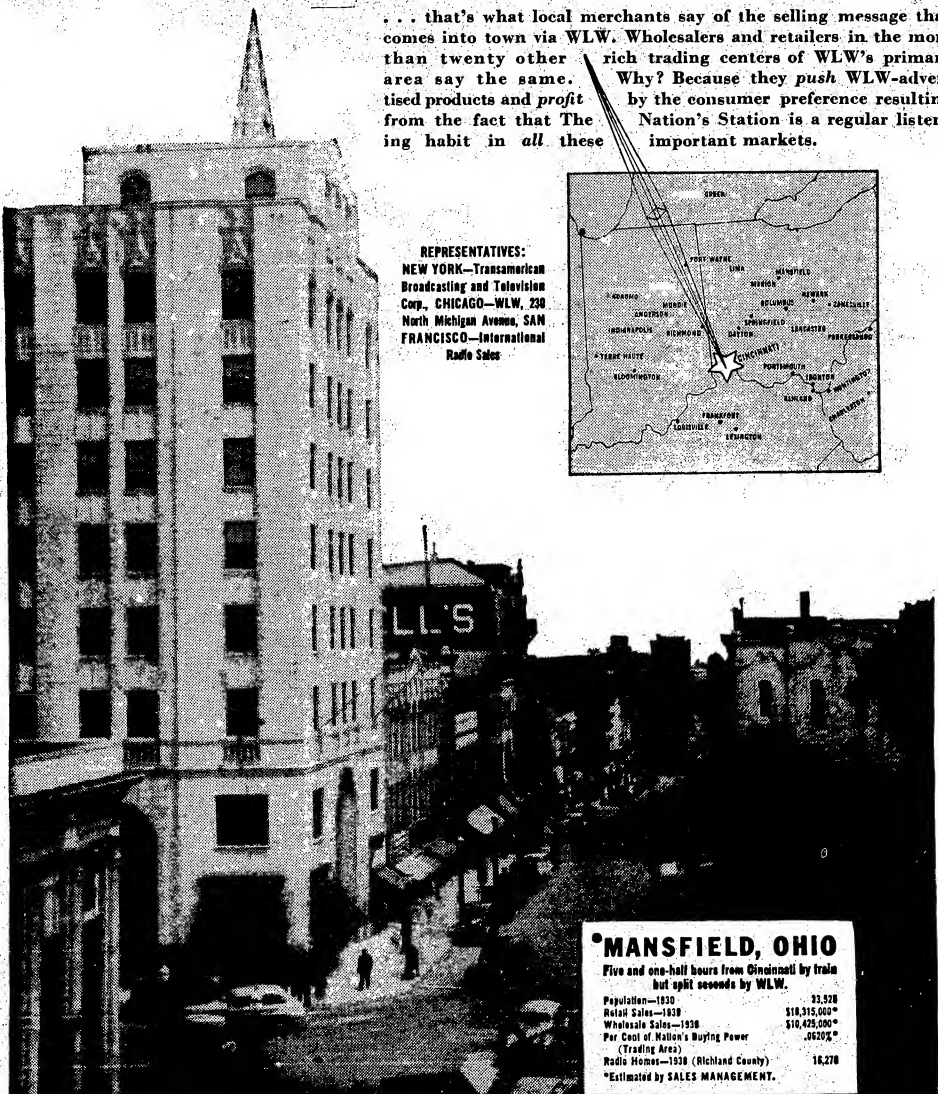
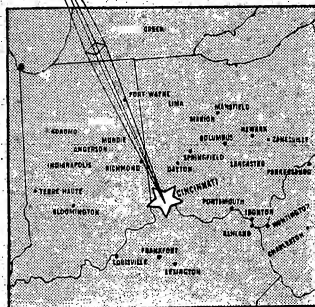
Result was that home-town dialers heard Willson on several interview shows during his return for a day, but not a note of music.

San Antonio—Latest additions to staff of KABC here are Bob Knox, who comes from KFYO, Lubbock, and Bill Fields, who comes from KFJZ, Fort Worth. Knox is copy writer, while Fields will be in merchandising and promotion department.

A MONEY-MAKER IN MANSFIELD . . .

. . . that's what local merchants say of the selling message that comes into town via WLW. Wholesalers and retailers in the more than twenty other rich trading centers of WLW's primary area say the same. Why? Because they push WLW-advertised products and profit by the consumer preference resulting from the fact that The Nation's Station is a regular listening habit in all these important markets.

REPRESENTATIVES:
NEW YORK—Transamerican
Broadcasting and Television
Corp., CHICAGO—WLW, 230
North Michigan Avenue, SAN
FRANCISCO—International
Radio Sales



MANSFIELD, OHIO
Five and one-half hours from Cincinnati by train
but split seconds by WLW.
Population—1930 21,528
Retail Sales—1939 \$18,315,000*
Wholesale Sales—1938 \$16,425,000*
Per Cap of Nelson's Buying Power .00205*
Radio Homes—1938 (Richland County) 16,276
*Estimated by SALES MANAGEMENT.

SECOND LARGEST COVERAGE OF ANY CINCINNATI STATION

WKC
CINCINNATI
WEED AND COMPANY
CINCINNATI, OHIO

WLW THE NATION'S most Merchandise-able STATION

Twenty Weekly 1/4-Hrs. to WJJD; Chicago Satisfied With 1.2% Upturn

Ralph Atlas stations WIND and WJJD came up with a flock of new spot and local business last week, pushing the ledgers of both stations to new bright marks. Fall batch of contracts on WJJD totals 20 quarter-hours weekly plus announcement schedules.

Associated Grocery Industries Council leads with a 13-week deal for 'Current News' Monday through Friday at 10 a.m. Sterling Insurance through the Neal agency also signed for a 15-minute strip Monday through Friday at 11:15 a.m. Henri, Hurst & McDonald, agency for Conforma Shoe Company, set 20 announcements weekly for 13 weeks; Cat's Paw Rubber firm through the Levine agency has two announcements weekly for eight weeks; Pinex through Russel M. Seeds has a mammoth schedule of 60 announcements weekly for 26 weeks, to go into effect on Oct. 7. Local shots are the Murphy Auto Sales which will take the 15-minute period preceding the Chicago Bears football broadcasts, and the Century Auto Finance company which will have 30 minutes of musical platters each Sunday (both auto contracts set through the Bennett agency here).

New business on WBBM, the Columbia-owned and operated station,

includes a 30-minute live-talent show starting Sept. 15. Running each Sunday at 12:30 a.m. and set through the Grant Agency. Linco Products takes over the 'Missus Goes to Market' program a thrice-weekly schedule through the Gourain-Cobb agency. Local Loan takes a three-times-weekly news shot in the morning through the Hartman Agency, starting Oct. 1.

New commercials on WIND include a five-minute strip six times a week for the Goldman Stores Company; five announcements weekly for 13 weeks for the Master Motor Exchange; and announcements weekly for Grantham Auto Company. NBC owned-and-operated WMAQ picked up a five-week five-minute disc strip for Gordon Baking through the Stebbins agency.

Aug. 31 Compared to Aug. 24					
Network	Local	National	Total	Units	Spots
9,065	5,590	10,322	24,977		
9,005	5,520	10,144	24,669		
+0.7%	+1.3%	+1.8%	+1.2%		
(Included: WBBM, WGNR, WGN, WIND, WJJD, WLS, WMAQ)					

KFRC GRABS BIG CONTRACTS; FRISCO OK

San Francisco, Sept. 3. Plenty of rejoicing in office of KFRC manager Bill Babst with signing of \$200,000 worth of business in single day, Thursday (29). Three week shows put on paying basis.

Starting Sept. 30, Langendorf bakeries will bankroll two quarter-hour slots daily, Monday through Friday over full Don Lee net of 31 stations. Shows include John B. Hughes' five-a-week newscasts and General Shafter Parker, serial strip show. Later originates at KHJ, Los Angeles. Both deals set by Leon Livingston agency. Third sale same day was participation in regionally-sold MBS feature, 'Show of the Week,' starting Sept. 29. Erwin-Wasey bought Sunday shot on six outlets in San Francisco, San Diego, Los Angeles, Seattle, Tacoma and Portland, in interests of Ghirardelli Chocolate.

KFO sold a heavy schedule of spots to the Paulson store and Yellow Cab for a three-month period. Meantime NBC renewed the 'Professor Puzzlewit' quiz show for Gallenkamp's Shoes.

KFRC: Pacific Greyhound, through (Continued on page 38)

THREE MONTH TREND OF STATION BUSINESS

(For All Markets Regularly Reported by 'Variety')

NATIONAL SPOT		LOCAL		NETWORK		TOTALS	
Week Ending	Units	Week Ending	Units	Week Ending	Units	Week Ending	Units
June 15	62,101	June 15	89,130	June 15	93,619	June 15	244,850
June 22	62,595	June 22	89,996	June 22	94,666	June 22	247,227
June 29	62,145	June 29	90,375	June 29	90,034	June 29	242,554
July 6	61,217	July 6	89,334	July 6	92,641	July 6	243,222
July 13	62,054	July 13	90,015	July 13	89,929	July 13	241,998
July 20	60,556	July 20	88,582	July 20	85,031	July 20	234,169
July 27	56,646	July 27	87,309	July 27	87,240	July 27	231,195
Aug. 3	56,588	Aug. 3	87,745	Aug. 3	87,756	Aug. 3	232,089
Aug. 10	54,599	Aug. 10	86,147	Aug. 10	87,387	Aug. 10	228,133
Aug. 17	53,957	Aug. 17	86,836	Aug. 17	87,487	Aug. 17	228,280
Aug. 24	53,656	Aug. 24	88,330	Aug. 24	87,711	Aug. 24	229,697
Aug. 31	54,003	Aug. 31	90,930	Aug. 31	87,671	Aug. 31	232,604

DENVER DIVES BADLY, BUT COMEBACK SURE

Denver, Sept. 3. Denver dropped 275 units for the week in a pre-fall drop but is expected to snap back and more than gain that next week.

KLZ: Mental Science Institute, through Minifred Carroll agency, 52 Sunday p.m. half-hours; National Biscuit Co., through McCann-Erickson agency, 15-minute news five days a week, 13 weeks; Stokes Canning Co., through Hetherwick-Shaw agency, announcements weekly, for six months; Latham Tire Co., through Broyles agency, two announcements; Cliff House, Manitou, Colo., three spots.

KFEL: Roman Meal, through Milne agency, 13 chain breaks; Fruit Industries Co., through Brisacher, Davis & Staff, 100 chain breaks; Millinery Stores, Inc., 26 announcements.

Aug. 31 Compared to Aug. 24					
Network	Local	National	Total	Units	Spots
6,593	3,950	1,289	11,842		
6,673	4,041	1,403	12,117		
-1.2%	-2%	-8.1%	-2.3%		
(Included: KFEL, KLZ, KOA, KVOD)					

Air Conditioning Using ET's on Top of NBC Show

Youngstown, O., Sept. 3. Air Conditioning Corp. is supplementing its weekly program on the NBC blue with a transcription series on 57 stations. Records will feature Happy Jim Parsons, Tony Colucci, guitarist, and Muriel Pollack, organist. The show on the blue has, in addition to Colucci, Gwen Williams and Sid Walton. Account also uses local participation programs.

All these campaigns are cleared through the National Classified Advertising Agency, of Youngstown.

KNX Lands 130 Wheatena Discs; L.A. Biz Auguring Record Year

Local Biz Spurts 10% in Des Moines

Des Moines, Sept. 3. Local units spurted 10% here during the past week while network and national spot loitered around the same level as the week before. Upturn the local graph was due to sponsored Iowa State Fair programs and local purchase of the All-Star football game.

Aug. 31 Compared to Aug. 24					
Network	Local	National	Total	Units	Spots
6,596	3,151	3,492	13,239		
6,630	2,863	3,430	12,923		
-0.5%	+10.1%	+1.8%	+2.4%		
(Included: KRNT, KSO, WIO)					

WABC'S 1940 BIZ TOPPING 1939 BY 51%

WABC, CBS' New York key, is, of Sept. 1, 51% ahead of last year on spot business bookings. This is exclusive of the Camel baseball broadcasts. News periods continue to prove a big selling factor with this station. Also early morning periods. With the sale of the 6-8:05 p.m. news periods Tuesday and Thursday to Vanti Pa-Pi-A beverage, WABC has now closed out completely a sponsored basis and across the board (Continued on page 38)

Los Angeles, Sept. 3. Moderate pickup in all unit divisions reflects the optimism of station sales heads, who have long been clarioning that the biggest season in history lies just ahead. The pluses aren't big, they admit, but the trend is steady. Naturally, bulking large is the political plum, which will run into important coin between now and November. Local runoff election will deplete many a war chest, with radio taking the heaviest cut. Home commercial biz is also beginning to perk, and with new methods of approach the list of converts (die-hard for the printed word) is expected to assume swelling proportions.

Biggest individual account was landed last week by KNX, contract calling for 130 broadcasts of 'Wheatena Playhouse' on the turntable. Wheatena spotted the quarter-hour playlets through Compton Advertising. Another nice piece of biz, in the family, so to speak, was the time buy by Benton & Bowles for 234 two-and-a-half-minute discs extolling Columbia records. Other KNX sales included 10 spots for Langendorf Bakeries, through Leon Livingston; 180 time signals for Day and Night Heater, through Hixson & O'Donnell; 14 time signals for Associated Ford Dealers, through McCann-Erickson.

KFI: Foreman & Clark, 129 quarter-hour programs, 'Musical Clock'; 78 one-minute transcriptions for Balantine Ale, through J. Walter Thompson; 26 participations in 'Agnes White' for Knox Gelatine, through Kenyon & Eckhardt.

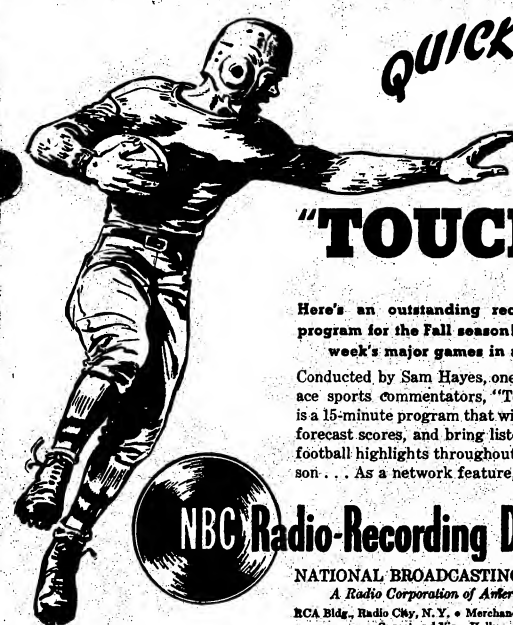
KECA: 33 spots for Buren Fitts, district attorney, through Milton Weinberg.

KHJ: Rhodes School of Music, 52 quarter-hour programs, and 24 spots weekly, on an indefinite schedule; Sawyer School of Business, 52 spots through Continental; Broadway Dept. Store, four spots, through Batten, Barton, Durstine & Osborn.

Aug. 31 Compared to Aug. 24					
Network	Local	National	Total	Units	Spots
9,824	9,407	1,702	20,933		
9,606	9,141	1,678	20,425		
+2.3%	+2.8%	+1.4%	+2.5%		
(Included: KECA, KHJ, KPWB, KHJ, KNX)					

Summer Doldrums Still Haunt K. C.

Kansas City, Sept. 3. Summer radio biz remains about the same as during the past couple of weeks. Some new biz for coming season is already in, but real fall stride is not yet in full evidence. (Continued on page 38)



QUICK! GET IN ON

"TOUCHDOWN TIPS"

Here's an outstanding recorded football program for the Fall season! Forecasts each week's major games in all sections.

Conducted by Sam Hayes, one of the country's ace sports commentators, "Touchdown Tips" is a 15-minute program that will select winners, forecast scores, and bring listeners interesting football highlights throughout the coming season... As a network feature, this program is

NBC Radio-Recording Division
NATIONAL BROADCASTING COMPANY
A Radio Corporation of America Service
RCA Bldg., Radio City, N.Y. • Merchandise Mart, Chicago
Sunset and Vine, Hollywood

already sold in 7 western states. It is now available as a 13-week NBC recorded program for the rest of the country. First program will predict football results for Sept. 21st week-end.

Based on the All-American Gridiron Index, which for 9 years has picked 80% winners, the accuracy of the predictions of "Touchdown Tips" will win and hold a large audience.

Yet the cost of this timely, quality feature is amazingly low.

But act quickly! There isn't much time left to get in on this line-smashing buy. Program is subject to prior sale and availability. Wire nearest NBC Radio-Recording Division office for details.

WBAL
means business
in Baltimore



HAVE YOU HEARD?



New as we are in the electrical transcription business, some very pleasant things already have been said about our recordings. Writes C. O. Langlois, General Manager of Lang-Worth Feature Programs, Inc., the Columbia recordings, furnished with the new NAB-Lang-Worth Transcription Service, are meeting with universal approval from the Atlantic to the Pacific, from Canada to the Gulf. "the tops," says Station WOW. "... the closest thing to perfection we have ever heard," writes Station CKAC. And so they go.

You may be the author of one of the many compliments we have received. If so, thank you! But if you *haven't* yet heard a Columbia transcription, we cordially invite you to listen to a demonstration of the remarkable new recording characteristic developed by Columbia Engineers, at one of our completely equipped studios in New York, Chicago or Hollywood.

TRANSCRIPTION DIVISION
COLUMBIA RECORDING CORPORATION
 A SUBSIDIARY OF COLUMBIA BROADCASTING SYSTEM, INC.

NEW YORK, 799 SEVENTH AVENUE • CHICAGO, WRIGLEY BUILDING • HOLLYWOOD, COLUMBIA SQUARE
 AT FIFTY-SECOND STREET 410 NORTH MICHIGAN AVE. 6624 ROMAINE STREET

WALTER WINCHELL

Chatter
15 Mins.
JERGEN'S
Sun, 9 p.m.
WJZ-NBC, New York
(Lennen & Mitchell)

Back for his fifth year on the air, Jergen's Walter Winchell has evolved from a gossip spouter into a bit of a political pundit, which makes it a question for his sponsor. If Jergen's finds that the politico 'Journal' sells much hand lotion and facial cream as when Winchell gave out less erudite chit-chat, that's the sum and substance of it all.

Winchell is putting franker emphasis on national events, which forces the conclusion that his agency and sponsor agree on the pattern. A new feature is captioned 'politics makes strange bedtime stories,' and under this the N. Y. Mirror's syndicated columnist puts sundry oddities.

Impression, as regards past performances, is that Winchell hasn't enough Broadway and Hollywood stuff.

Otherwise his format is the same staccato delivery of vibrant news-casting in an even more assured and poised voice (presumably the fruits of his month's vacation), interspersed with the dots-and-dashes, newsmen hubbub and the like.

The plugs remain dramatized: a new merchandising wrinkle is a two-for-one gag, introducing a face lotion to go with the hand cream.

Winchell, perhaps the highest-priced newscaster on the air, per minute of work, evidences anew that it's not what he sells, but how he sells it that has established him and carved him along for years. Innate showmanship is an undeniable factor, as his arresting mike style commands a wide other audience. That he's also showman enough to back up the spellbinding with the proper news ingredients goes without saying, and the politico palaver may prove the right idea right now, especially with pre-election and the world turmoil.

But then again, Winchell's showmanship tells him that there's more Sabbath night appeal in items about Hedy than Hitler, and chit-chat about Chaplin than Churchill. Abel.

'Knickerbocker Playhouse,' weekly half-hour dramatic series for Procter & Gamble over NBC red out of Chicago, will be supervised by Courtenay Savage, Joseph Ainsley, producer of 'First Nighter,' will direct.

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Mgt. COLUMBIA ARTISTS, Inc.

EDGAR BERGEN

Donald Dixon, Robert Armbruster,
Deanna Durbin
Comedy, Songs, Band
30 Mins.
CHASE & SANBORN COFFEE
Sun, 8 p.m.
WEAF-NBC, New York
(J. Walter Thompson)

Edgar Bergen and his No. 1 alter ego, Charlie McCarthy, entered into their third consecutive season for Chase & Sanborn coffee the past weekend (1) and their material and the general composition of the program presaged nice listener tidings for some time to come. The formula seemed to be well oiled and riding easily, while the script packed a goodly amount of crispness and laughs. There were at least five sock taglines, and that isn't a bad average for any comedy stanza.

The other regulars back on this occasion were Donald Dixon and Robert Armbruster. 'Vera Vague' is slated to make her seasonal bow this coming Sunday (2). Deanna Durbin and the guest assignment and the installment allowed for a wide spread of her vocal talents and charm. She did two songs of sharply diversified mood and her end of the patter exchange with McCarthy fitted in neatly with her personality.

Dixon's robust baritone was in smooth form, and as usual it lent much melodic solidity to the words and notes phase of the stanza. Batonist Robert Armbruster and a mixed chorus were the other contributors to these well integrated musical interludes. Dixon is also still dishing it out with McCarthy and the circumstance of the baritone's recent solo zazzle provided a fertile source for their give-and-take.

C & S has a choice copy reader in Ben Alexander. This announcer has carved something unique on the other side of the equation spells ingratiating salesmanship. Odec.

LEGION OF SAFETY

With Allen Prescott, Jerry. Sear's
Orch. Lerilyn Moss
Transcriptions
15 Mins.
Thurs, 6:45 p.m.
WGY, Schenectady

Legion of Safety, heard via transcription over WGY and other stations, combines entertainment with messages on care in driving under auspices of the American Legion and Automotive Safety Foundation. Allen Prescott, best known for 'The Wife Saver' (which has been aired commercially and sustaining over NBC), is the featured driver.

In three brief spots on each platform, Prescott talks about safety precautions. He gets across well-made points in a breezy style that trades marks both his scripting and miking. Sear's orch plays well a mixture of pops and more standard numbers. Miss Moss is a capable soprano, ranging in her selections from grand opera to current tunes.

Platters should achieve their purpose, showmanship being evident. Jaco.

TELEPHONE QUIZ

With Les Malloy
30 Mins.—Local
BIG HUNK CANDY
Tuesday, 7:15 p.m.
KSAJ, San Francisco

Latest version of home-participation quiz handled in lively manner here. M.C. keeps up steady patter, repeating answers given over phone as fast as they come. Pops up chit hazard of this type of show—the lull while party on phone speaks.

As worked here, quizseek must answer three questions correctly to win from one to 50 bars of candy and tickets to Fox theatre. Fourth take-it-or-leave-it query gives chance at couple bucks cash in addition or total loss of everything. Only two winners on show caught.

Listeners invited to call back as often as they like. VARIETY muggs kept phone dial spinning through entire 30 minutes in academic test and got through twice. (Fell down on questions both times.) Wern.

'BIRTH OF A NATION'

With Frank Craven, Burgess Meredith, Thomas Mitchell, Gene Lockhart, Mary Astor, Heather Angel, William Davidson, David Broekman orch.
60 Mins.
CBS FORECAST NO. 14
Monday, 9 p.m.
WABC-CBS, New York

With this half-hour stanza Monday night (2), CBS ended its summer 'Forecast' series attempt to showcase program ideas for possible sponsorship. Like several of the chapters were, the show was interesting by itself, but seemed a somewhat dubious bet for extension as commercial series.

With few exceptions, the whole 'Forecast' series made provocative and frequently entertaining listening, but even CBS could hardly have thought some of the chapters were likely material for a series sponsorship. In one notable case, 'To Tim at 20,' the acting and production talent for the show was known to be available for the great silent picture. A specific instance the program itself offered a pattern for continuation. From a production standpoint, however, the 'Forecast' series has been a distinctly creditable job under trying circumstances.

Monday night's edition was a Coast-produced romantic drama, 'Birth of a Nation.' It had no connection with the silent picture of the same title, but in a 'Cavalade of America' formula was based on the fight for freedom of the press in pre-Revolutionary New York. Script caught the atmosphere and color of a lusty Colonial city and much of the action was powerfully propelled. But at times the story line was obscured behind pretentiously 'different' writing construction and technique.

Name cast, which should have drawn a wide listening public and would involve the dauntless outlay for prospective sponsors, trouped the piece admirably. Frank Craven was persuasive as the narrow carbon copy of 'Our Town' role. Burgess Meredith played the militant newspaper man with headlong conviction. Gene Lockhart was wistfully impressive as the dauntless publisher, while Mary Astor was authentically glowing as his courageous wife. Thomas Mitchell's performance as the venerable lawyer, Andrew Hamilton, was hampered by the fact that his (and the drama's) big scene was interrupted several times by narration, but he brought the part to life with a touching climax. Heather Angel was a forthright ingenue.

Script was written by Marjorie Bartlett and Brewster Morgan and was expressively directed by the latter. David Broekman's pliable musical background filled out the performance. Whole program was genuinely listenable as a one-timer. Hobe.

'MEET CLINTON BUEHLMAN'

Interviews
15 Mins.
W. T. GRANT STORES
Tues.-Sat., 11:15 a.m.
WGB, Buffalo

Quizzes have about run their course here and now come their by-products. This one has Clint Buehlman, 'Musical Cloaker' of WGR, standing in Grant's 5c-to-10¢ aisle, babbling queries. Such as, 'Are you having a nice time shopping?' 'Have you had your vacation yet and when?' etc.

Ordinarily Buehlman is a glib personage with no dull moments, but talking about 'thousands and thousands' of stockings several mornings weekly seems to have stemmed his imagination. Session Saturday (31) lacked even occasional bright spots.

Sessions are heavily interlarded with commercial plugs, Clint pushing mike at salesgirls and asking what they think of merchandise. Whereupon they giggle and answer 'It's fine—and only 25c. Betz.

SONG OF YOUR LIFE

Harry Salter, Jack Arthur, Clark Dennis, Gwen Williams
Songs, Talk, Band
30 Mins.
Sustaining
Wed, 9 p.m.
WJZ-NBC, New York

This 'We, the People' to music could be whipped into a whopper of a commercial program. It's got the makings and all it needs is some extras with which to round out the production and talent edges. One thing that could be eliminated is the offer of prize money for letters. They'll write without that incentive, and the payoff could be shifted to actual appearance before the mike. The program is steeped in and geared for the right sort of hoke. It can be turned by sentimental, funny and informative and the range of human interest is unlimited.

As the personnel combination now stands, there's Harry Salter, creator of the show, batoning the orchestra; Jack Arthur—doubling as m.c. and vocalist; and Clark Dennis and Gwen Williams each coming in for a well placed refrain. The program still has its rough spots, but these can be easily smoothed away with the infusion of a little more authority and flexibility in the interviewing phases, and a more varied alignment of the subjects and moods.

Last Tuesday night's (28) installment offered a little more of the same. Mrs. Joe DiMaggio (nee Dorothy Arnold), who related how the tune, 'Beer Barrel Polka,' played both an amusements and poignant part in her romance with the diamond star.

A girl who told how the singing of 'Rose Marie' by Nelson Eddy caused her to change her name locally from Laura to Rose Marie, and her intention to keep it that way although she later learned the baritone was married.

Still another girl, who, inspired by the song, 'Six Lessons From Madame Lazonga,' started her romance off on the wrong foot, but still had a happy ending to her story.

The curator in a museum of musical instruments, who sang the accompaniment of an ancient lyre.

Joseph Rheinhardt, an American boy who didn't learn to speak English until six months ago. After telling his quaint story of having been brought up in a Chinese family, the youth intoned a Chinese lullaby that his Chinese foster mother sang to him.

Homer Norton, coach of the Texas A. & M. football team, told what the song, 'Home on the Range,' has meant in his life. Odec.

PEGREEN FITZGERALD

With Richard Willis, Hattie Silverman
'Looking Them Over'
15 Mins., Tuesday, 12:45 p.m.
Sustaining
WOR, Newark

Pegreen Fitzgerald is the wife of Ed Fitzgerald, commentator on WOR. With the help of Richard Willis, the two work on a volunteer subject who allows them to criticize, constructively of course, as to makeup, hair-do, nail-polish and the like, making it all and all a cinch with the stay-at-home femmes. Tuesday (3) of this week, the subject happened to be Hattie (Mrs. Sime) Silverman, Vanuxem's own redhead.

Hattie started off by admitting her age. There are lots of her friends who probably thought she was a sucker because the only ones she knew she was 65 were the folks back home in Syracuse—and they don't get around much anymore. Hattie also admitted that she has kept her hair red by constant treatment for years, stating that if she didn't take the treatments her hair would be pink. Really not a bad idea, as the pink edition might fit in. After all, Vanuxem was once green.

Anyway, the frank manner in which Miss Fitzgerald and Richard Willis go after the lady-of-the-day seems to be a new stunt in radio beauty culture. Jess.

CHARLES R. HOOK

With Edwin C. Hill
'Industry in National Defense'
15 Mins.
Sustaining
Friday, 10 p.m.
WABC-CBS, New York

With the 'conscription of industry' amendment suddenly tossed on the pending Burke-Wadsworth bill in Congress, it took the National Assn. of Manufacturers little time to get to the microphone to steam up public opposition to that portion of the measure. First broadcast was fired Friday night (30) over CBS by Charles R. Hook, chairman of the NAM executive committee and president of American Rolling Mills.

Edwin C. Hill was 'interviewed,' but actually turned out to be more of an m.c. Was palpably alarmed in accord with Hook's views, and before the session was over was contributing incidental support. Impression created by Hill was distinctly that of publicist rather than an objective reporter with a nationally-syndicated column. Announced at the close that Hill's appearance on the show was by courtesy of a little more than a five-times-a-week sponsor, which should clinch his being identified as a spokesman for big business.

Possibly for the very reason that he was under no obligation to be unbiased, Hook impressed as a sincere, articulate, forceful and, under the circumstances, liberal mouthpiece for the NAM. He spoke clearly and without nervousness, with a typically successful business-executive voice. His spiel was shrewdly scripted to open with quotes from N. Y. Times interviews with President Roosevelt, and to close with opinions of army men regarding the progress of the defense program.

Basics of his argument thereafter seemed to be that the industrial leaders are just as sincere as any other group in the country, and that the moment and disapproval of profiteering. While few people would attempt to say that the business leader's advocacy of unjustifiable profits, Hook still didn't answer the question (on this program) question of who is to be the judge of how much profit is justifiable.

Broadcast was a sustainer, using the regular spot allotted to 'public affairs' discussions. Hobe.

RED RIVER BARN DANCE

With Tom Gardiner's Orch, Tommy Tweed, m.c.; Tom Benson, Hayballers quartet, Sharon Kane, the Dizzy Dozen, John Clevin, John Alexander
Sustaining
60 Mins.
Saturday, 10:30 p.m.
CBC-CKY, Winnipeg

For one hour each Saturday night the CBC winks in corny way to here. However, there is a difference between good and bad corn and this can be moved over to the credit side of the ledger.

Building a show to last a full hour without appreciable letdowns isn't exactly a cinch and it is to the credit of King Whyte, who writes and produces, that this opus of jigs, reels, screwball songs and general hokum holler maintains its pace throughout. Whyte, formerly of WLW's 'Moon River' and other shows, to date has unearthed some talent that shows promise of further airing. Two new ones appeared in show caught, John Alexander (formerly Alex Johnson) and the Dizzy Dozen, a girl choral group.

Under Alexander's bias baritone work and the gals both rate further appearances. The Hayballers work solo spots and also as background for Sharon Kane and her quartet. Miss Kane lends the only feminine solo touch to the show, doing 'Rock-A-Bye Moon' on show heard. Clevin does the usual type of cowboy ballad work.

Main weight of the show falls on the shoulders of Tommy Tweed, a character actor. Tweed, in role of Uncle Ben, does just about everything from calling the reels to seeing acts catch their cues. His work is solid from start to sign off. Benson, program announcer, gets show on and off in addition to picking up loose ends and aiding Tweed with general chit.

CBC house band, under Gardiner, fills the gaps between acts with certain members stepping down for solos. Heard on Saturday (31) show were Art Hart, clarinetist, and 'Tiny' Timbrell, guitarist. Latter always scores with his trick voice.

Strong point of the whole set up is that it's not too professional nor too amateurish, but seems to weave along in between, striking a happy medium. If properly plugged, no reason why this show shouldn't assume importance in Canada that National Barn Dance holds in the U. S. Norm.

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Follow-Up Comment

NBC's *Listeners' Playhouse*, during a five-minute prolog outlining aims of program and the career of Ronald MacDougall, author of 'Who Are You Pushing, Brother?' (which followed), mentioned 'Bob Landry of *VARIETY*' among three critics who had written about the series. Narrator-actor stated that Landry was 'more or less noncommittal.' Alton Cook, World-Telegram, was tabbed as liking the experimental dramas; Ben Gross, N. Y. Daily News, as opining that 'Workhouse of the other network' was better. A chorus repeated Cook's plug, while central figure of playlet 'kidded' it.

Parks Johnson and Wally Butterworth used a group of radio actors for their weekly I. Q. test, via 'Vox Pop' (CBS), last Thursday night (29), and the results surprisingly favored

the script jugglers in a big way. The actors as a group proved not only that they were well conversant with their own business (radio), but that their kits of general information rated considerably above average. They may have been hand-picked, but the mixed bunch was quick on both answers and repartee. Participants included Jack Smart, Martin Gabel, Arthur Vinton, Agnes Moorehead, Betty Garde and John Brown.

'Cinderella,' the anonymous femme between-records spieler for the nightly recorded session over WJLN, New York, from 11 to midnight, bears down on the hoke heart-throb as he. Chatter clings to the love-is-so-wonderful note and voice carries out the same idea. Apparently half the residents of Greater New York wire in birthday greet-

ings to some dream gal or to Aunt Minnie or Cousin Gus, all of which 'Cinderella' cheerfully passes along to her palpitating dialers. She also reads startlingly unabashed mash notes between the boys and gals. Topper on the stanza is her wind-up blurb, about the 'nasty old clock tells me I have to leave you now.' It's all pretty overpowering flappedoodle, but great commercial stuff for the sentimental populous. She's sponsored on a participation basis, with Bob Stevenson reading the plugs.

'Bachelor's Children,' five-a-week housewife meller out of Chicago over CBS, is in there slugging for the world's windiest-commercials championship. According to the blurb, the 'new super-speed' Old Dutch Cleanser is 50% faster and, due to a 'new secret ingredient,' makes things white almost instantly. And so on and on. When the series started in 1935, *VARIETY* called this Bess Flynn opus hokey, but 'apparently commercial.' That still stands. It seems Sam Rider remains all wrapped up in the

bosom of his various adopted urchins, with Janet a helpmate miracle in business and around the house. According to the Friday (30) edition, there's going to be either a film career or a custody lawsuit over the youngest kid. Former seemed to be the main strand in the over-the-weekend teaser.

'Choose Up Sides,' sustaining sports quiz Friday nights over CBS, has worked partially out of the mire since its dismal start last April. It still doesn't impress as sufficiently broad entertainment to rate network sponsorship, but seems likely to ride along under the present setup by reason of its low operating cost. As a commercial show it would involve much greater expense, if only because the sports names that now provide listener draw would have to be paid real coin. Much of the improvement in the series is undoubtedly due to Ted Husing, who as in-terrogator and judge brings a distinct personality and an air of authority previously lacking. He keeps

the stanza moving, but could profitably drop the awful comedy stabs, Arthur Mann and Caswell Adams, sports scribes and permanent team captains, have also improved with more mike experience, particularly when the questions are confined to such standard sports as baseball, football and the like. Guest contestants last week (30) were Gene Sarazen and Ralph Guldahl, the latter making the better showing of the two.

'Fainted Dreams,' daytime serial for Chipso over NBC blue (WJZ) out of Chicago, retains its pattern of everyday family doings. On basis of the chapter caught Friday (30), several of Mother Monaghan's ex-chicks are about to do a mazurka with the idea of adopting Teddy, the few weeks-old moppet of another Monaghan ex-ward; Lily, who has gone on the road with a vaudeville act to earn cravers for the cupboard. Characters talk all around the subject without igniting any verbal sky-rockets.

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5:45-6 P.M., EDT
COAST TO COAST
Dir. COMPTON ADVERTISING AGENCY
MGT. ED WOLF-RKO BLDG. NEW YORK CITY

Buffalo—Robert Sherry left chief announcer's post at WBNY to join spicing staff of WGR-WKBW, succeeding Cliff Jones. He's fourth WBNY-ite to do so, others being Ralph Hubbell, Jack McLean, John Gill and Herb Barden.

Warren Kelly is new voice at WBNY.

IN
BALTIMORE
ITS

WBFR

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

TUNES PUT BANDS ON SPOT

NEW AMERICAN BEACON

Plays and films based on religious themes frequently are the subjects for discussion from the pulpits of the nation's churches. A popular song rarely gains the distinction. The Rev. Dr. Hill-yet Straton, of Detroit, when speaking in New York this week, took occasion, however, to pay high tribute to the Irving Berlin pop number in a sermon entitled 'Why Should God Bless America?'

'Once in a while Tin Pan Alley rises to true heights and genuinely reflects the heart and soul of a people,' Dr. Straton declared. 'We have seen this recently in the sweeping popularity of "God Bless America," a song that has reached almost to the heights of a hymn. Many Americans who had little use for God until the fall of France are reiterating these sentiments with a patriotic fervor that has taken on a religious complex.'

Martial music has held prominent place in religious services through the centuries, whereas many soldiers have marched to war to the accompaniment of an ecclesiastic song. The Protestant hymnbooks contain many of the Cromwellian tunes. Sir Arthur Sullivan's 'Onward Christian Soldiers' is as militantly inspiring as 'Dixie.'

Dr. Straton declares that 'God Bless America' strikes the deep, spiritually patriotic chord. He said:

'Too many Americans have felt that God is with us because of our fatness—our vast material resources. It should be remembered that America's greatest strength and its greatest contributions to mankind have come from the days of adversity, not its days of prosperity. Religious liberty came out of the bleakness of a Rhode Island winter. Political liberty was born in the snows of Valley Forge. Personal liberty for all Americans is a heritage of the dark night of the Civil War.'

'As never before in her history, America needs a return to personal, national and international righteousness. Our whole 130,000,000 people can sing "God Bless America" until they are hoarse, but God will only bless us as we are willing to share our blessings with others.'

CRA Would Keep Barnet Out Of N.Y. Danceteria

Question of whether or not Charlie Barnet's orchestra will play the Fiesta Danceteria, New York, as scheduled, or fulfill one-night dates set for it by Consolidated Radio Artists, promises to become a hot argument before it's settled. Band is set to start two and a half weeks at the Fiesta Danceteria Sept. 13, on a contract held by Richard Decker, operator of the Fiesta. According to CRA, with whom it has a 10-year booking contract dating from last March, the band finishes a week at the Michigan theatre, Detroit, Sept. 12, and the 14th commences a series of single stands.

CRA has not complained to the American Federation of Musicians, but has warned Decker that it holds an exclusive booking contract with Barnet, that it does not recognize his agreement with the band inasmuch as the rate was not booked through the CRA office, and has filed all correspondence concerning the conflict with the union. According to CRA, Barnet had recently been offered a stand at the Fiesta, booked by it as part of a block of bands, but that he refused the date on the grounds he didn't think working at the spot had sufficient prestige.

Orrin Tucker Musician Accused of Rape in Buff.

Buffalo, Sept. 3. Edward B. Keavins, 32, of Chicago, member of the Orrin Tucker band at Shea's Buffalo last week, was arraigned in City Court Thursday (29) charged with rape on the complaint of Elizabeth Kennedy, 20. She charged that Keavins assaulted her late Wednesday night in a parked automobile.

Keavins pleaded not guilty and was released in \$5,000 bail, the case being set for hearing Sept. 27.

Wimbish-Strouse's Radio And Band Partnership

Paul Wimbish, ex-personal manager of Paul Whiteman and now managing the Jack Teagarden orchestra, and Irving Strouse, also formerly associated with Whiteman, have opened an office in partnership in New York. They'll go into radio production as well as band management.

Pair have half a dozen radio shows outlined for fall production. Beside Teagarden they'll handle the Irving Sazhmarty orchestra.

HAMPTON'S OWN BAND STILL UP IN THE AIR

Lionel Hampton's new band, on which work was supposedly started on the Coast within the past couple of weeks, is still in the thought stage. No men have been selected for any position in the full size outfit. Hampton is currently in New York.

Joe Glaser is seeking personal management of the outfit when and if it materializes. He has been propositioning Hampton, but so far has had no actual success. Glaser handles Louie Armstrong and Andy Kirk, among others.

Teagardens May Merge

Charley Teagarden, ex-Paul Whiteman trumpeter, has been sitting in with his brother Jack Teagarden's band off and on in the past week and there's a possibility he may join the outfit permanently. He replaced Tommy Gonsolin. Band played all last week at Steel Pier, A. C.

At the time J. Teagarden left Whiteman to form a band of his own, the trumpeter brother was set to go with him. The combination never materialized, Charlie staying with Whiteman until the latter outfit's recent breakup.

Irving Mills on Coast

Hollywood, Sept. 3. Irving Mills pulled into town after a cross-country drive from New York.

Plans call for a month in Hollywood to look over his music affairs.

ASCAP OR BMI AFTER NEW YEAR?

Records a Big Factor—Discs, If Waxed With ASCAP Tunes, May Be Off Certain Radio Channels—BMI, However, Hasn't Enough to Go Round

ORIGINALS?

As the deadline for the expiration of the current American Society of Composers, Authors and Publishers agreements with radio stations draws nearer (Dec. 31), various recording bands are preparing to meet the effect non-ASCAP radio will have on them. Record-playing indie outlets hold a major part in the life of a modern dance band. Any turntable outlet that doesn't sign for another stretch with ASCAP will not be able to broadcast recorded versions of ASCAP tunes, new or old, just the same as networks will not be able to broadcast them live.

Such events will snap back at bands, keeping a sizeable portion of the stuff they'll cut during the next couple of months off the air, unless the numbers they select for waxing are not under ASCAP control. To skirt the possibility of being even partially blacked out, band-leaders in several instances, acting on what they consider foresightedness, are beginning now to arrange and record tunes that have become standards, familiar to the public, yet are in the public domain—in other words, songs that are known yet are eligible for reproduction off wax over non-ASCAP outlets. Of course, BMI tunes will be playable no matter what, but there are still not enough such tunes published by the latter to go around.

The public domain standard idea is twofold. Such recordings, being playable by record jockeys, will keep bands that use them in front of the army of fans who regularly tune in on recorded programs. In addition, the numbers will be usable on live shots from location stands, the usual method used by bands to plug their recordings.

Beside digging back into, for instance, some of Stephen Foster's classics, bands that have a knack for penning good live or novelty originals are keeping 'em publisher free. At least they're being kept from ASCAP publishers to make certain the numbers will be useable after Jan. 1.

Sammy Kaye's Orch Loses Its Bachelorhood

Milwaukee, Sept. 3. Sammy Kaye is not allergic to girl singers, but for many years he has contended that just good-looking femme vocalist was not particular asset to an orchestra, so far a number of years he and his bandsmen have gone along as an all-male organization.

However, that's all changed now. A couple of months ago Kaye discovered Louise Lorraine, in Toronto, who he considered so usual that he changed his policy. She joined the Kaye organization here Wednesday (27), debuting with the band's Riverside theatre date.

Perrin to Robbins in Chi

Chicago, Sept. 3. Jack Perrin comes back to Chicago as chief of the local Robbins office.

Perrin was in New York as professional manager for the Mills Music firm. He takes over from Irving Koppelman here, who is quitting the business.

Victor and Columbia's Cut-Price Classics Up in Sales But Repressings Of Oldies Remain \$5-\$6 Per Copy

IN DUTCH

Marks Vs. Harms In Song Infringement Case

Harms, Inc., filed a general denial Friday (30) in N. Y. federal court to the suit of Edward B. Marks Music Corp., asking dismissal of the action on the ground that the plaintiff had failed to comply with the copyright laws which placed its song in the public domain.

Action seeks an injunction, counting of profits, and damages against Harms' 'In An Old Dutch Mill,' published in 1932, claiming that the song infringed Werner Kersten's song, written 1920 'Bummel-Petrus Intermezzo Piano und Gesang.' Different arrangements of the song for orchestra and for vocalist are also involved in the suit.

ROBBINS MULLS BRANCH IN MEXICO

Robbins Music Corp. of Cuba having been launched, Jack Robbins is now eyeing Mexico as a possible branch venture. Robbins figures on working with the Metro exchange in Mexico to build up that catalog, since the picture company is partnered with all Robbins music ventures.

Promotora Hispanica Americana de Musica, S. A. (PHAM), practically controls all Mexican music today, which in turn is controlled by an Asociacion Mexicana de Autores y Compositores, which, at the same time, is controlled by radio station XEW and Southern Music Publishing Co. (Ralph Peer).

Other publishing businesses in Mexico are Editorial Mexico (Menzel), Editorial Wagner (ex-Wagner & Levin) and Editorial Beethoven (Markman Bros.), which are associated with Sindicato de Autores, Compositores y Auditores de Mexico (SACAM). Treasurer of SACAM is Tata Nacho, otherwise Ignacio Fernandez Esperon, songsmith. Nacho is his stage name. Alfonso Esparza Oteo, also w.k. native composer, is general secretary. The Sindicato of SACAM splits up the collected coin 40% to the publishers, 40% to the songsmiths (of which 24% goes to the composer and only 16% to the lyricist, unlike ASCAP's 50-50 divvy), and the remaining 20% to the SACAM for administration.

Dominant in the music setup is Emilio Azearra, who runs XEW and shortwave stations XEWW and XEQQ.

N.H. ARENA RESUMES NAMES; DITTO BOSTON

New Haven (Conn.) Arena resumes its Sunday name band and vaude policy Sept. 15. Spot ran last season with a similar setup. It seats 7,000.

First show will bring in the Jack Teagarden and Mitchell Ayres bands plus comedian Henry Armetta.

Name Bands Again

Boston, Sept. 3.

Brunswick hotel goes back to a name band policy this season. Brings in Harry James band for three weeks, starting Sept. 27.

Spot tried name crews for short time the latter part of last winter, but folded the idea for the summer.

By EDWARD SMITH

The recently started price war between the RCA Victor and Columbia phonograph companies over classical recordings has brought the price of these recordings down to the lowest ebb in their history. Dealers throughout the country, at first anxious and morbid over the slash to half price, are beginning to perk up as thousands of orders are coming in weekly. What is not known, however, that Victor is declining to cut the cost of repressing old recordings no longer in the catalog, which for a single copy still remain at \$5 for the 10-inch and \$6 for the 12-inchers.

Columbia has no such masters available and cannot compete with Victor here.

RCA is also reported seriously considering issuing an historical catalog similar to that available in London by its sister company, the Gramophone Company, perhaps better known as His Master's Voice. These recordings, dating to the early 1900s, have become more and more in demand on this side of the ocean in the past dozen years, as collectors and students of voice or instrument sought out the hidden treasures of a bygone age.

Recording is not as recent a phenomenon as most laymen believe. The general thought is that Victor and Columbia were the first in their field about 40 years ago. This is far from the truth. How old recordings of sound actually are cannot be determined, but Plato 500 years B.C. mentioned in his 'Republic' of having heard recorded sound, and the memoirs of Luigi La Bianca (1798-1858), the greatest basso of all time also mentions hearing his own voice over a century ago. The first evidence in completed printed record of actual recording dates to 1857 when a Frenchman, Leon Scott, recorded a voice, but was unable to reproduce the recorded sound.

Edison In 1877

By 1877 the world was ready for the improvements and discoveries of Thomas A. Edison, who for the first time in known recorded history produced a wax cylinder which stated (Continued on page 40)

Encino (Cal.), Bids For Boom Through Ditty By Piantadosi and Carroll

Hollywood, Sept. 3. Lyrically, nearby Encino is replacing Fairhaven and Freeport (Long Island, N. Y.) in the affections of Coast tinnpanners. Actors colony has sprung up amid the citrus groves of the valley community and out this way that booms 'real estate values. However, the other 47 states know nothing of this new mushroomery and that's where the Chamber of Commerce comes in.

Under ceaseless prodding by civic leaders, two of the citizens have succumbed so that now the world will know about Encino. Flopped on for publication was the completed ditty, 'A Garden in Encino.' Credits will read, melody by Al Piantadosi and Carroll; lyrics by Pauline (Mrs.) Carroll. Encino C. of C. has ordered as many professional copies printed as there are bands, night clubs and radio stations in the county. Music racks will be alive with 'A Garden in Encino' if the Encinians have their way.

Citizen No. 1 of Encino is Al Johnson, who'll probably have the privilege of giving the tune its first sendoff. After that it's every man for himself and they'd better come fast for Encino realtors are staking out new lots for the expected land rush.

Victor and Col's Cut Prices

Continued from page 39

simply and to the point, that 'Mary had a little lamb' is no doubt the most important of his discoveries, but so wrapped up was the inventor in his other discoveries that he failed to devote sufficient time to it. Between 1877 and 1885 Edison was outpaced by G. Bettini, Charles Marshall and Emil Berliner. Bettini, who was perhaps the most important of the three, not only developed his own cylinder machine, but starting in the late 1880s recorded the greatest celebrities of opera, stage and public life of his day, leaving their voices for posterity. Among the personages known to have recorded for Bettini during this period and up to 1888 are Jenny Lind, Adelina Patti, Sigrid Arnoldson, Johannes Brahms, Christian Nilsson, Pauline Lucca, Sofia Scialchi, Italo Campanini, Edward Grieg, Peter Tschakowsky, Pablo de Sarasate, Joseph Joachim, Milka Ternina, Clara Louise Kellogg, Elka Gerster, Jean and Edouard de Reszke, Giuseppe de Pucette, Minnie Hauk, Ernesto Nicolini, Thomas Salignac, Ernest Van Dyck, Albert Selaza, Frances Saville, Annie Cary, Francesco Tamagno, Marcella Sembrich, Nellie Melba, Lillian Nordica, Febe Strakosck, Eugenia Mantelli, Charles Santley, Lilli Lehmann, among the singers; Edwin Booth, Sarah Bernhardt, Thomas Salvini, Joseph Jefferson, Jean Coquelin, Lillie Langtry, Lillian Russell, Eleonore Duse, and Ritter Adolf Von Sonnenhalt, among the actors and actresses; as well as personalities such as Queen Victoria, Gladstone, Barnum, Florence Nightingale, Mark Twain and Presidents Grant, Harrison, McKinley, among others.

Mystery Masters

These names are some of the most sensational in their class of all time. Yet, despite sales of some of these recordings, which topped the 50,000 mark at a price of \$5 each, not one of these recordings seems to have survived. The sales of all probably were in the millions, but the mystery of their complete disappearance may never be fully solved. Recordings of this sort, if discovered, would be worth a young fortune. Singers today, anxious to hear the celebrated Patti, must content themselves with records made for the Gramophone company in 1906 when the great coloratura, on the verge of retirement, was 63. To secure a Patti recording made at the height of her career in the late 1880s would be a welcome memento to many an aspiring singer. The same holds true for the recordings of Melba and Sembrich, caught far past their best vocal estate, by Victor and doubtless for a recording of Campanini, creator of the tenor roles in 'Aida,' 'Carmen' and 'Faust.' The latter died in 1896 and, to date, no records of his are available, yet the Bettini catalogs reveal that he recorded all the principal arias from these and other operas.

The same holds true of an actor

desirous of hearing a Duse, a Jefferson or a Bonini.

In the popular field Bettini was not lacking, either. Recordings were made for him by George W. Johnson, George J. Goslin, Dan W. Quinn, J. W. Myers, Roger Harding, Chauncey M. Depew, Cal Stewart, Billy Murray, John Philip Sousa, Arthur Prior, et al.

Bettini's Pioneering

It was also Bettini who perfected the present system of having a master recording in 1886. Prior to that time, if a singer recorded a disk and another recording was desired, the singer was forced to do the selection over again. Hence if there were 100 calls for a popular song, the exhausted artist would be forced to sing 100 times to meet the demand. Bettini removed this restriction from greater popular appeal.

Charles Marshall, who was in the same period as Bettini, did much the same work, but had a lesser degree of success. It was not until the advent of the German, Emil Berliner, then a man of about 40, and formerly connected with the Bell Telephone system, that recording took its first long stride forward. About 1895, Berliner perfected the flat disk recording which has continued to the present time. Berliner did not seem to have as much success in attracting great singers as did Bettini, the only well known names he seems to have secured being the tenor Ferruccio Giannini, father of Dusolina, now of the Metropolitan; Emilio De Gogorza and Selma Kurtz. Campanini is also rumored to have recorded for Berliner in the year of his death, but no substantial proof remains to authenticate this belief.

Edison in the meantime had not allowed all the grass to grow under his feet. He dealt mostly in the popular field, however, as it was not until 1905 that he secured name singers from the Metropolitan to record for him, and persisted in continuing with his cylinder recordings up to 1910 and even later.

Columbia in 1887

The Columbia company was patented to do business in 1887 but it also failed to take any advantage of the growing interest until approximately 1903. Victor was not yet in existence at this time, but in 1900 Eldridge Johnson took over Berliner's business and launched the Victor Talking Machine Co., the parent of today's company. An English branch was started at the same time. Bettini, in the meantime, had gone out of business, and flat disks were being used 4-1.

The British branch of Victor then signed quite a few celebrity singers and issued its first recordings in 1901 and 1902 from the opera houses of England, France and Germany. Victor was still dealing in popular records, having taken over quite a few of Bettini's former artists. In 1902, under the name of Monarch, Victor issued a '5,000 series' of approximately 100 recordings of the great singers of Europe, many of whom had already appeared at the Metropolitan. Had these recordings failed to go, the Victor company of today might not be in existence, but go and go well they did, so in 1904 Victor issued its first Red Seal list of singers appearing with piano accompaniment, under the 81,000 and 85,000 series. Two years prior to this, America heard the first faint peepings of a 28-year-old tenor called Enrico Caruso, who had created quite a stir at the Covent Garden season. His recordings in the 5,000 series appeared here in 1902; and so interested Heinrich Conrad, general manager of the Met, that he made a special trip to hear Caruso in person. The rest is history.

Columbia, in the meantime, had issued records of Edouard de Reszke, Suzanne Adams, Marcella Sembrich, Antonio Scotti, Charles Glibbert, Giuseppe Campanini and Ernestine Schumann-Heink in April 1903 under a Red label. Victor protested the use of a red label, claiming to own the copyright on the color, and took the matter to court. Victor won, and late in 1903 Columbia shifted the labels to black and silver color, and Victor emerged victorious in the many of its wars with Columbia.

Numerous were the raids made by first one company, and then another on each other. Victor, in order to boost the price of records, bought up the Zonophone company, which was issuing records of Paul Plancon, Eugenia Mantelli and Louise Tetrazzini records, which were being sold at 65c each, in order to keep these artists' records, which they were also issuing, off the market. Columbia coun-

tered by engaging Alessandro Bonci and Giovanni Zenatello as rivals for Caruso, and issued recordings of Mary Garden, Vittorio Arimondi, et al. to offset the Victor attack. In 1910 Columbia, through what it believed to be a master stroke, secured the American discography of the recording of the Fontopina company, an Italian company, whose artists were among the world's greatest, having such names as Bonci, Zenatello, Lilli Lehmann, Victor Maurel, Jean de Reszke (never publicly issued), Adeline Stehle, Regina Storchio, Folia Litvinne, etc., on its roster. The Columbia recordings unfortunately were poorer in quality of recording to the Victor's. Columbia secured Lillian Nordica and Olive Fremstad, but the recordings of these singers were so poor that many of their records were never marketed. Victor meanwhile, backed by the phenomenal sale of Caruso recordings, forged steadily ahead. Victor was chasing the out-andish price of \$7 for the Sextet from Lucia and \$6 for the Quartet from Rigoletto. The average price of a record by a famous singer cost \$3, with Columbia's price about one-half. Victor was issuing single-faced records, and Columbia had already issued its records doubled.

It was not until 1923 that Victor cut its prices in half and doubled its recordings.

By that time, Columbia with fewer and fewer celebrity singers was on its way out. Voice could be well recorded, but the orchestral records which seem so perfect today were a horrible mess a score of years ago, and not worth the time or patience of a would be purchaser. The Victor monopoly continued, the singers realizing the chances of royalties were far more with Victor, and continuing to desert Columbia for its rival, Edison, which lingered to 1918, also went off the market, beaten on its invention.

By 1925 Victor had virtual monopoly, with the Columbia catalog reduced to one-sixth the size of Victor's. But at this juncture, fate, in the form of the radio, entered the picture.

With the advent of the radio the sale of phonograph records started a decline. This was of almost disappearance. To this despite, the appearance in early 1926 of electrical recording, which developed into today's high fidelity. However within an eight-year period, the public became aware that it could not, by turning dial, secure the music it wished to hear at the moment, but must have to wait weeks until it was broadcast, and even then in an unsatisfactory rendition. So, again recordings started to pick up in sales. But this time, with high fidelity recordings, the world's great orchestras and instrumentalists were able to leave their imperishable marks on wax. Columbia again started to raid the Victor list of artists, and having secured additional capital was able again to compete with its rival.

Vocal music had declined with the death of great vocalists. The new opera and concert public did not understand, but those who had money, the people of 40 and over, remembering the golden voices of the past, refused to purchase the records of the new singers, the declining ones at the Met, and purchased symphonic recordings instead. A scramble began, to locate and preserve the records of those long since dead, so that the great art of song would not entirely vanish, for the recordings of voice had always been good, although the orchestral accompaniments were terrible.

This growth resulted the formation of the International Record Collectors Club of Bridgeport, Conn., and in New York, of Jack L. Caidin's Collectors' Record Shop. The latter establishment dealt mostly in out-of-print vocal selections with its proprietor securing a stock of 100,000 old records, and selling them to an eager opera-going public. Even singers such as Giovanni Martinelli would purchase recordings of Tamagno, creator of 'Otello,' to hear and study the interpretations immortalized there 40 years ago, before the younger artists attempted the role.

Victor had been the only company with the wisdom to preserve its master plates. Columbia had junked them, its masters as had Victor early, but after 1906 Victor had virtually every master plate of all its celebrity singers. Both the Bridgeport Society and Caidin approached Victor, and made up recordings of old singers so that they might be sold within the means of the present-day customer. Victor was the greatest grower of collectors, and decided that when it felt 100,000 customers existed throughout the country, it

15 Best Sheet Music Sellers

(Week ending Aug. 31, 1940)

I'll Never Smile Again.....	Sun
Sierra Sue.....	Shapiro
Blueberry Hill.....	Chappell
When the Swallows Come Back.....	Wilmart
I'm Nobody's Baby (Andy Hardy Meets Debutante).....	Feist
God Bless America.....	Berlin
Nearness of You.....	Famous
All This, and Heaven Too (ATHT).....	Remick
Six Lessons From Madame La Zongue.....	BVC
Playmates.....	Santly
Fools Rush In.....	BVC
Practice Makes Perfect.....	BMI
I'm Stepping Out With a Memory Tonight.....	Robbins
Shout, I Am an American.....	Mercer
Breeze and I.....	Marks

*Finnuscat

Band Reviews

BILL McCUNE ORCH (10)
With Katharine Hoyt, Gordon Robb, Hotel Muehlebach, K. O. (10)
Stand in the Muehlebach supper spot is first for this band in this area. Crew is out of New York and originated under its present leader some few years ago at Manhattan College. Since then McCune has held out in the New York spots and only recently began this tour west. He's set for a few weeks in this section.

Group of young players shows results of steady and long association together. Music is highlighted by reed section, as leader plays tenor sax. Essentially deals in sweetness and danceability. Crew is prepared to mix it, however, to fulfill one-nighters and other plays between hotels. Basic appeal "smooth tempo."

A note of informality is prominent and is keynoted by McCune in his m.c. work. This leads to variety of novelty tunes and repertory includes specialties by most every member of the outfit. Appears outfit is preparing for theatre contracts in near future.

McCune is carrying a pair of vocal soloists in Katharine Hoyt and Gordon Robb. Former combines her work, in which she handles rhythm songs to best advantage with satisfactory personal appeal, and male singer exhibits a tenor range in good style. Arranging is turned over to Bill Heathcock, of the brasses, and Ted Husted, pianist. The three-three-four instrumental plan finds Heathcock on trombone, Pinky Smith on trumpet, and Henry Friedman and McCune on reeds, with saxes getting large share of the work, and rhythm section of Husted, Jimmy Bell at drums, Hal Alkins on guitar, and Fred Harnack at string bass. Alkins also takes regular turn at vocaling when baritone is called for.

Mood of the room under this band is contained in contrast to usual atmosphere created by majority of orchestras here. Band was a pleasant choice for the Labor Day weekend play.

AL KAVELIN ORCH (11)
Featuring Patti Morgan, Marilyn Huxley, Essex House, New York

Al Kavelin and Dick Himber for a time clashed with their competitive "cascading chords" and "rhythmic" dance styles. Himber eventually abandoned his, finding that (1) it didn't mean quite as much as he expected and (2) somehow it wasn't worth the effort in view of the conflict in the style. Ever since bands veered into "Mickey Mouse" stylizing, it was deemed somewhat, nay compulsory, to give their fans a sensation, a switch, hence the sundry billings, such as above. Kavelin's "cascading chords" have survived and here, in the Essex House, a spot incidentally where Himber long held forth, he is doing a nice job. Signed for four weeks, he's set for four months, via periodic options, with big good, aided by five shots a week over CBS coast-to-coast.

Kavelin is a violin maestro who solos a mean fiddle on his own and with a smooth team comprising four reeds, three brass and three rhythm would issue a historical catalog. For the time now appears to be ripe for such an undertaking. The issuance of withdrawn or unreleased records under the black label series, started several months ago, is probably the first step.

However, it must be remembered that some place, somewhere, in the attic of some old home, there may be lying a treasure of old cylinders dating from the 1880s bearing under their dust covered grooves the voices of the great, long dead, but not forgotten, such a recording of Jenny Lind's has turned up. Others, equally great, must exist. The trade only hopes that these last remaining priceless treasures are not confined to an ashen by unthinking persons, but are turned over to proper authorities, so that the voices immortalized there may delight people for generations to come.

(piano, bass, drum) dishes up a soothing brand of terp tunes. Melody predominates, sprightly and dance compelling, in the best "society" mood without being too polite. He also mixes it up with the usual Latin sets, now requisite on all dance jobs. Two vocalists, Patti Morgan and Marilyn Stuart (Morgan's a boy, despite that first-hand billing), handle their assignments well.

HAROLD NAGEL AND ORCH
Roosevelt Hotel, N. O.

Good music in small packages, proof that numbers are not necessary for dance rhythm, is well exemplified by Harold Nagel and crew, which proves more than capable of carrying the dance duties of the city's leading hotel during the weeks the Hawaiian Blue Room is closed for redecoration.

Nagel took over tough spot vacated by Arthur Ray, but he moves more than satisfies. He uses only six men in outfit, but blends them in a toe-tapping tempo that gets the most out of each individual member of the band. Nagel himself wields the baton and doubles on fiddle; rest of aggregation includes piano, bass fiddle, saxophone, accordion and drums.

Group specializes in rumba and coney but mix it enough to keep the younger element happy and

ever so sweet to keep the elder satisfied. The music is served up in intimate style well adapted to the size of the room, and soft enough so that Sandra, the room's palmer, can read your hand without telling the world.

Luizza.

DICK KUHN ORCH. (5)
Hotel Statler, Buffalo

Advent of Dick Kuhn and cooler weather are filling Statler's dance space early each eve, forcing latecomers away. It's a full-sounding band, which causes most customers to blink—since Kuhn's crew totals only five. But preponderance of rhythm and predominant, but not blasting, saxophone instrument is a great complement. Without doubt, Kuhn has one of the biggest little bands in the business.

Instrumentation is Kuhn on tenor sax; Len Herman, accordion; Hugo Malonga, bass; Roy Seymour, piano, and Charlie Shaw, drums. Herman handles vibes and takes vocals, too. As expected, sax and accordion handle bulk of melody, with piano not too prominent in carrying the tune. Kuhn blows most of the time, but with heavy rhythm backing, it's not noticeable the other instrument is always on top. When leader steps away to chat with patron, accordionist steps in, handling tune frequently on vibes.

Innovation is Kuhn's request turn tables, lighted board on which dancers chalk numbers they'd like to hear. Tune list is contained in booklets found on tables. Stunt has become so popular only half the number of booklets is handed around, otherwise there isn't enough room on the board to list the patrons' choices.

Betz.

Art Deacon, Can. Leader, War Prisoner in Germany

Regina, Sask., Sept. 3.

Art H. Deacon, of the Royal Air Force, formerly an Invermay, Sask., orchestra leader, is a prisoner of war in Germany, according to a cable received by his father from the British Air Ministry.

He had previously been reported killed in action.

Tom Tucker Opens Spot

Bridgeport, Sept. 3.
McCormack & Barry's Ritz ballroom shutters for 1940-1941 season Sunday (8) with Tommy Tucker's band. Jimmy Dorsey set for Sept. 15, and Charlie Barnet Sept. 29.

Pleasure Beach, city-operated park, buttoned up Sunday (1) with Al Donahue.

RECORD BREAKER

**RAY
KINNEY**
and His Orchestra

FOURTH YEAR—HAWAIIAN ROOM
HOTEL LEXINGTON, NEW YORK

VICTOR RECORDS

Dir.: GENERAL AMUSEMENT CORP.

**JIMMIE
LUNCEFORD**
And His Orchestra
CASA MANANA
CULVER CITY, CAL.
4TH WEEK

Mgt. HAROLD OXLEY
17 East 49th St., New York

Heifetz vs. Tavern Fiddler

There is probably no phase of trade unionism and its interlocking affairs more difficult for the public to understand than jurisdictional disputes between rival organizations.

It remained for James C. Petrillo, president of the American Federation of Musicians, to thoroughly enlighten outsiders as to the issues of the pending row between AFM and the American Guild of Musical Artists. Discussing the demands of AFM that all the instrumental artists who are members of the AGMA must resign their memberships and join the AFM, Petrillo declared in a newspaper interview:

"Since when is there any difference between Heifetz playing the fiddle and a fiddler in a tavern?"

Injunction proceedings to restrain Petrillo and AFM from carrying out threats against AGMA were being held before Justice Pecora. Before granting the temporary injunction he said:

"If the reasoning about Heifetz and his fiddle is right, then there is no difference between Leonardo da Vinci and a house painter."

Headed by Lawrence Tibbett, the musical artists, among whom are leading instrumental virtuosi and vocalists of concert and opera, symphony conductors and ballerinas, have every intention of fighting the issues to the end. The immediate advantage of a temporary injunction is on their side; argument for permanent restraint against AFM until the date of trial will be heard tomorrow (Thursday).

Meanwhile the battle lines are spreading. Tibbett has been elected president of the American Federation of Radio Artists, said to be comprised of 10,500 members. The musical Guild is less strong in numbers, boasting only 1,800 members. Petrillo, on his side, is lining up some 150,000 AFM members.

All factors involved in the present controversy are members of the American Federation of Labor. The paternal hand of the parent body seems less likely to interfere between the brethren than during the bitter jurisdictional row of more than a year ago when the IATSE (stagehands) sought to take over jurisdiction of vaudeville performers. A basis of inter-union compromise settled the controversy of a year ago.

Leaving settlement of the current squabble to the court, the trade and public will not soon forget one feature of the current impasse: "Since when is there any difference between Heifetz playing a fiddle and a fiddler in a tavern?"

AGMA Wins 1st Rd. Vs. Petrillo's AFM; Tibbett Brings Strong AFRA Support

First skirmish in the jurisdictional battle between the American Guild of Musical Artists and the American Federation of Musicians resulted in a smashing victory for the former last week. Tussle will probably drag along for several more weeks, however, and may not be decided for months. In the meantime, fall and winter concert schedules are being held up and the entire jurisdictional question remains uncertain.

An important development also was the election Saturday (31) of Lawrence Tibbett, AGMA president, to succeed Eddie Cantor as president of the American Federation of Radio Artists. Action taken at AFRA's annual convention in Denver was immediately seen as an indication of strong AFRA support for AGMA in its dispute with the AFM.

AGMA's victory last week was the granting by N.Y. supreme court Justice Ferdinand Pecora of a temporary stay restraining James C. Petrillo, AFM president, from carrying out his threat of barring from radio records and concerts all instrumentalists failing to join his union by Labor Day (2). Restraining order will be in effect until decision is handed down in AGMA's application for a temporary injunction pending hearing for a permanent injunction. Hearing on the temporary injunction is scheduled for tomorrow (Thursday) before Justice Carroll G. Walter. However, it's expected that at that time the case will be postponed for at least another week. Even after the arguments are heard, it will probably take the judge a week or so to reach his decision.

Meanwhile, as the case continues to follow precedent of most jurisdictional squabbles by growing daily more complex and widespread, Petrillo is tied up by one of the most far-reaching restraining orders seen in show business unionism in years. Copies of the court order were sent late last week to all AFM locals, as well as radio networks, stations, producers, agents, concert managers, opera companies, recording companies, film studios and others.

AGMA's Benefit Concert

At the same time, AGMA leaders began plans for a mammoth concert late this month, probably in Carnegie Hall, N.Y., to publicize its side of the dispute and raise money to wage its legal battle. Nearly all the top concert names are to appear, many of them flying in from the Coast for the occasion.

New angle was also injected into the situation last week with a report from Washington that the Department of Justice would include the AFM in a sweeping investigation it intends making into the whole radio and entertainment industry. Just what form the probe would take and when it would start was not revealed, nor was it disclosed from

what source the Department had received complaints. It was stated, however, that other show business organizations, including ASCAP, would be included in the investigation. In connection with reports of the Justice Department's entry into the picture, it was recalled that Assistant Attorney General Thurman Arnold's interpretation of the anti-trust laws last summer had been regarded as applying in certain aspects to various theatrical unions, including the musicians.

Petrillo Served

Pecora granted AGMA the temporary stay after two hours of argument by opposing counsel. Hearing took place Thursday morning (29), the day after Ted Carr, AGMA assistant executive secretary, had personally visited the AFM headquarters to serve a summons on Ed Canavan, assistant to Petrillo. AFM prez himself planned into New York Thursday morning and was also served with a summons at AFM headquarters that afternoon. Summons and complaint, the action listed as plaintiffs AGMA as well as members Lawrence Tibbett, Deems Taylor, Jascha Heifetz, Albert Spalding, Emanuel Feuerman, Kirsten Flagstad, Gladys Swarthout, Chapman, Richard Crooks, Richard Bonelli, Frank Chapman, Zlatko Balokovic and Armand Tokatyan. Appearing in behalf of AGMA and its members individually were Henry Jaffe, regular AGMA attorney, and Sidney E. Cohn, with Henry A. Freedman representing Petrillo and AFM. Blanche Witherspoon, AGMA executive secretary, and Tibbett, president, also attended the hearing. At the outset Freedman requested a day's adjournment on the ground that he had not had a chance to consult Petrillo or to familiarize himself with the papers in the case. For a moment Pecora seemed inclined to grant the request, but Freedman added that the case was really a simple one involving merely the question of whether the instrumentalists were union members. Thereupon Pecora said if the case was so simple they might well consider it then and there.

Cohn then introduced the Petrillo letter of Aug. 5 to Tibbett, arguing that it was conclusive proof of the "arbitrary" manner in which Petrillo seeks to force AGMA members into his union. Except for Tokatyan, the AFM members, were also submitted and Pecora expressed amazement that any union official should have such dictatorial authority.

When a N.Y. Times story was introduced to recall Petrillo's reported statement that there is no difference between Heifetz and a fiddler in a tavern, Freedman attempted to justify it, but Pecora interrupted to remark drily off the record, "That would be like saying there is no difference between a pianist and a piano player." (Continued on page 42.)

British Best Sellers

(Week Ending Aug. 10, 1940)

(Sixpenny Numbers)

Singing Hills.....Connelly
Tigerlily Boogie.....Maurice
Dreams Grow Old.....Feldman
Arm in Arm.....Wood
You Made Me Care.....Norris
Oh Johnny.....Day
Don't Pass Me By.....Gay
Creaking Old Mill.....Sun
Dancing Doll.....Gay
This Year's Roses.....Wright

(Shilling Numbers)

Nightingale.....Maurice
Beguine.....Chappell
Fall in Love Again.....Maurice
Woodpecker Song.....Sun
Don't Cry.....Wood

PITT TOOTERS SEE BETTER SEASON

Pittsburgh, Sept. 3.

Looks like a big fall and winter season for Local 60 of the Musicians union. At least two hotels which in the past have had dancing are planning to install regular bands in their supper rooms, and third spot is considering a similar move. Fort Pitt hotel, which hasn't had regular terping for more than a decade, has announced it's in the market for a band for its Norse Room and Webster Hall, which has danced only spasmodically and then usually on weekends, and is going to try and make it a nightly policy. Roosevelt hotel, where dancing was dropped five years ago, is the other place thinking it over.

In addition, employment situation among local musicians is expected to be further eased by the conga-rumba craze which has lately hit town and will get a new impetus next week when Joe Sala, ex-bartender, opens his El Chico, strictly Spanish in show, atmosphere and music. As a result of Sala's venture, couple of important downtown spots, Nixon cafe and Yacht club among them, have already sounded out Local 60 heads on deals to stick in five and six-piece, rumba, and conga bands. That's old stuff in most key spots, but brand new for Pittsburgh.

Not probable, however, that there'll be any additional niteries, save in established locations, because of difficulty now in obtaining liquor license. No new ones are being issued by booze board and Sala had to go out and buy his from a neighboring tavern keeper at a premium.

Duchin's Long Hop

Des Moines, Sept. 3.

Eddy Duchin's band this week took a major flying trip for only a one-night engagement.

Orch flew from Los Angeles to a one-night engagement at the Val-Air Ballroom here tonight (Tues.) and from here to Toronto, Canada.

Artie Shaw recording 'Love of My Life' and 'Me and the Ghost Upstairs' for Victor.

In N. Y., the Inkspots Are Rated Vocalists, But Not So in Chicago

As result of a tangle with the Chicago local of the American Federation of Musicians, the Four Inkspots, currently on location at Chi's Blackhawk cafe, have not been able to fulfill their regular N.Y. engagements. The Inkspots' broad-based contract with the AFM, not just remote pickups, and the Chi local decreed that in order to do the airings the Inkspots would have to join that order or pay for standbys. Requisite for membership is six months of successive work in that area, and to pay standbys would cost more, it says, than the quartet receives for its broadcasts.

When in New York, the group does the sustaining broadcasts under the jurisdiction of the American Federation of Radio Artists. They are classed as singers. In Chicago, because they accompany themselves on string instruments, they're classed musicians.

Jersey and Westchester (N.Y.) Band Spots' OK Summer Biz, Subnormal Cedar Grove Due to No Big Names

By BERNIE WOODS

Elman Switches From Goodman to T. Dorsey

Ziggy Elman, trumpeter, will remain indefinitely with Tommy Dorsey's band, replacing Bunny Berigan whom Dorsey let go two weeks ago. Elman is reported to have accepted a contract with Dorsey and officially joined the latter's band at the beginning of its road tour Friday (30) in Boston.

Elman is supposed to have figured in the rebuilding of the Benny Goodman band, with which outfit he was at the time it temporarily disbanded in California last month. Goodman renews work the end of this month when he will start putting a new band together.

During his forced layoff by the Goodman breakup Elman sat in with Joe Venuti's band at Frank Dailey's Meadowbrook, Cedar Grove, N. J., did radio, studio work, and played with Dorsey on one two one-nights before the definite hookup.

BIZ BAD, BANDS CUT SUPPER SESSIONS

Because late supper business had fallen away to practically deserted rooms, both the Lincoln and Biltmore hotels, New York, began closing their dining rooms immediately after the dinner session last week. The Lincoln, with Will Hudson's new band on the stand, changed its policy in the middle of Hudson's run, now shutting at 10 p.m. Biltmore changed its stance at the beginning of Ray Heatherton's date there last Wednesday (28). Heatherton replaced the night Alvin Krey cut that night although his official opening is tonight (Wed.).

Poor business at the Biltmore was one of the reasons the Krey band left the job. Instead of the hotel severing the date, Krey himself is supposed to have given notice, disgusted with the lack of somebody to play to.

DRUMMER HURT

Mobile, Ala., Sept. 3. Auggie Schellang, drummer with Marshall Van Pool's orch, playing at American Legion niter at Fairhope, is in the City Hospital here recovering from injuries received in an auto crash.

Schellang's car overturned on a bay road highway after it went out of control.

Harold Austin to Play And Op Own Ballroom

Buffalo, Sept. 3.

Long-vacant second floor dance space here, which had housed a half-dozen niteries, is getting a going-over again. Spot is to be reopened Sept. 13 as Esquire Ballroom, with bandleader Harold Austin and a few others backing.

Austin will enlarge present 10-man band for the spot, which has 1,000 person capacity.

Name New Buff. Maestro

Buffalo, Sept. 3.

Ernie Fiorita became conductor of Shea's Buffalo orchestra Friday (30). He replaces D'Artega, who will form his own band.

Fiorita is down on the air for his WOR and WJZ broadcasts.

New Jersey and Westchester (N.Y.) suburban and beach roadhouses using name bands went through a fairly profitable summer season this year in comparison to past seasons. One of the few to suffer a lower than normal play Meadowbrook, Cedar Grove, N. J., and that was not due so much to lack of patronage as to lack of bands of sufficient drawing power. Meadowbrook was going great guns until June with Gene Krupa, then sloped off considerably with a stretch of B-draw outfits, including Cal Lowmy and Joe Venuti.

On the beach side was a 30% increase over last year at Jenkinson's Pavilion, Point Pleasant, N. J., with Lang Thompson for the duration. Tommy Tucker for the more or less exclusive West End Casino, Deal, N. J., clicked off an exceptionally good stretch: Sea Girl Inn, Sea Girl, N. J., a former gambling spot, reeled off a couple of good months under a new policy starting with Jack Teagarden and continuing with Van Alexander. Asbury Park Casino, here, was a steady draw. Assault Tavern, Atlantic City, brought bigger outfits than it normally used and did pretty fair right from the start.

Of the spots inland, either seasonal or year 'round, the Rustic Cabin, Englewood Cliffs, N. J., clicked off solid business especially week-ends with Glenn Garr's outfit. Palisades Garden, West Nyack, N. Y., weekly change setup, also came in for a good share. Chatterbox, which picked up a name band policy in opposition to Meadowbrook, in virtually the same area, did well enough to formulate plans for a remodeling and enlarging job the comparatively small building. It's Mountaineer, N. J., along one of the more heavily travelled traffic arteries, Cecil Gully, at Donohue's, also nearby Meadowbrook, has done the best business the spot ever encountered.

Joe Rines' Missout

One outright disappointment in that same area was the Club Evergreen, operated by bandleader Joe Rines in Bloomfield, N. J. It ran a short time with Van Alexander's group, then switched to an enlarged house band which originally alternated with Alexander, then folded entirely. It's supposed to have been run by a group headed by Eli Oberon, head of the United States Record Corp., and intended as a buildup spot for U. S. recording bands.

Westchester Belt

In the Westchester (N. Y.) belt things rode along in nice shape, Glen Island Casino, important stand in view of its record as builder of bands (Larry Clinton, Glenn Miller, etc.) had a comfortable stretch with Bobby Byrne though nothing compared to what it got last season with the name of Glenn Miller bunch. Spot is to try a winter season, using bands in short stretches, opening Oct. 2 with Gene Krupa. Playland Casino, Rye Beach, turned in one of its best stretches with Tommy Reynolds. Post Lodge, in Larchmont, N. Y., with the new Gus Bivona band under the name Gus Bennett, sailed smoothly. Murray's, Tuckahoe, now Bordewick's, had only a fair run with Frank Gagen, an unknown quantity in the east. Blue Gardens and Log Cabin, each other in Armonk, N. Y., had a battle but the latter, with Ray Herbeck, wound up with the best record.

Of the opportunities on Long Island there were only Luna Park, Coney Island, which started a name band policy at the beginning of the season and wound up fling a petition in bankruptcy; and the Dancing Campus at the World's Fair. N. Y. latter got underway slowly, but with the advent of a record run by Gene Krupa and Harry James ran into a head wind from there on. There are no year-around spots on Long Island. A Meadowbrook or Chatterbox in that territory is impossible due to the fact jurisdiction of N. Y. Local 802 of the American Federation of Musicians takes in the entire island, which, of course, would make broadcasting from any such venture subject to 80% \$3 per man per band for less than they would normally cost because of the number of broadcast wires available.

AGMA Wins First Round

Continued from page 41

erence between Leonardo Da Vinci and a house painter, for instance. Tibbett.

Citing Petrillo's salary of \$20,000 a year as president of the AFM plus a like amount as president of the Chicago local, Jaffe observed that no other labor union official is paid that much "except Bioff—and he's in jail for pandering." Cohn introduced a letter from the Philadelphia Orchestra to Albert Spalding, stating that the violinist's contracted appearance with that organization would be cancelled because of Petrillo's ultimatum and added, "This and similar letters would have the effect of a death sentence on all members of AGMA." He asserted that the same situation would exist in the fields of radio, films, recordings and the concert stage.

Pecora's Compromise Idea

Tibbett described his repeated efforts to reach a compromise with Petrillo, and of the AFM president's flat refusal to make any concessions. Pecora first suggested that the two unions let the AFL decide to which organization the instrumentalists should belong, but Tibbett pointed out that the AFM, with about 150,000 members, would easily outweigh the AGMA's 1,800 membership in such a decision.

Pecora then suggested the two unions get together to adjust the dispute between them, whereupon the AGMA attorneys offered to hold such conferences with the Judge sitting in as an impartial member. Freedman said he would submit this proposition to Petrillo, latter subsequently nixed it. It was argued by Cohn and Jaffe that granting the temporary stay would maintain the status quo pending a hearing on a temporary injunction and that no harm would result to the defendant by such action, but that the plaintiff would be saved great worry and financial damage.

Previous to the hearing, it was generally doubted that the court would grant the stay sought by AGMA. Courts are notably reluctant to intervene in labor disputes, particularly jurisdictional ones. And just as labor unions are traditionally opposed to letting their affairs get into the courts, so are courts nearly always loath to issue injunctions in labor cases. There have been extraordinarily few anti-union injunctions granted.

Although it is impossible to predict in advance the chances of Justice Walter granting a temporary injunction against Petrillo and AFM, legal sources familiar with the case believe the chances of such a decision are greatly increased since Pecora awarded the preliminary stay.

Temporary stays are rarely granted unless an overwhelming preponderance of evidence indicates the final decision would go that way.

AGMA to Press Fight

Regardless whether they are able to obtain a temporary injunction against Petrillo, AGMA leaders intend to push for a permanent restraining order, if necessary, carrying the fight to the Court of Appeals. Explained that in case such a court fight is set, they will be able to examine Petrillo before trial.

If the court fight against Petrillo is unsuccessful, it seems almost certain that the resulting jurisdictional warfare would spread to other show business fields. Probably it would involve AFRA almost immediately. Even if such AGMA members as Margaret Sparks, Lanny Ross and others who have regular radio contracts were not involved at once, fight would probably spread when the contracts of Heifetz, Elman and Horowitz to guest on the Ford show come due. According to his ultimatum, which he is temporally restrained from carrying out, Petrillo would bar the AFM orchestra members from appearing with the instrumentalists. And as such contracts are under AFRA's jurisdiction and the artists are AFRA members for those rates, AFRA would be obliged to go to bat for them. No one can predict at this time how far such a development would extend.

Petrillo's Power Swayed Pecora. In granting a temporary restraining order against Petrillo last week, Justice Pecora was visibly influenced by AGMA affidavits regarding the AFM president's powers, as defined in the music union's constitution. Portions referred to contain the following excerpts:

"It shall be his duty and prerogative to exercise supervision over the affairs of the Federation; to make decisions in cases where, in his opinion, an emergency exists; and to give effect to such decisions he is authorized and empowered to promulgate and issue executive orders, which shall be conclusive and binding upon all members and/or locals; and such order may by its terms (a) enforce the constitution, by-laws, standing resolutions, or other laws, resolutions or rules of the Federation; or (b) may annul and set aside same or any portion thereof, except such which treat with finances of the organization and substitute thereof of his own making; the power so to do is hereby made absolute in the president, when, in his opinion, such orders are necessary to conserve and safeguard the

interests of the Federation, the locals and/or members...."

"The president shall receive a salary of \$20,000 per annum, payable monthly, and in addition thereto a contingent expense account of \$3,000 per annum for the spending of which he shall not be required to make an accounting, and when the interests of the AFM or any of its locals demand his leaving the jurisdiction wherein he resides he shall receive \$5 per diem and all hotel and traveling expenses."

"He shall have authority to purchase, from the funds of the Federation, an automobile for his own use, the upkeep of said automobile, including garage rent, insurance, gas oil and all necessary repairs, together with other expenses as may be incurred in the way of legal services, and/or damages, as the result of accidents, to be borne by the Federation; he shall be entitled to the services of a chauffeur, whose salary shall be determined by the executive board of the Federation, and paid for out of the funds of the Federation; and he shall have authority to trade-in said automobile whenever, in his judgment, a trade-in is advisable."

"...The president of the Federation may appoint assistants at salaries of \$10,000 for the first assistant and \$7,000 for the second assistant and \$7,000 for an additional assistant, but no assistants to the president shall be a member of the executive committee." Affidavit also referred to the \$20,000 yearly salary Petrillo receives as president of the Chicago local.

Taxes on Members

Portions of the AFM constitution affecting assessments and fines of members, and rules covering traveling orchestras, all of which might apply unfairly to instrumental artists having to join the Federation were also outlined in the affidavits. Excerpts follow:

"In reference to all engagements enumerated in foregoing paragraphs, the following rules apply: 10% of every engagement must be paid into the treasury of the Federation, part thereof to be local and Federation tax, the remainder to be paid to the members playing the engagements; 10% to be divided as hereinafter provided for in this article." Affidavit added that 200 locals of the Federation may levy additional taxes, such imposts generally running from 1% to 4%.

In regarding radio engagements, "If a guest conductor or a conductor who is a contractor for a program enters the jurisdiction of a local to play a program with local members, then such conductor is obliged to pay a Federation tax of 50%. No tax applies to local members."

"If such a conductor carries members, then they must also pay the 50% Federation tax. If such conductor employs local members, no tax applies to them." Affidavits then set forth that most concert artists must travel for the majority of their engagements and, since they earn substantial amounts, would be subject to ruinous payments under the AFM regulations.

Petrillo's Letter to Tibbett

Letter from Petrillo to Tibbett, demanding that instrumentalists resign from AGMA and join AFM, is also believed to have been one of the things which swayed Justice Pecora. It may also be a factor when the case comes up this week before Justice Walker, and in possible future court consideration of the dispute. Third and fourth paragraphs are particularly cited by AGMA spokesmen as justifying the right of the artists' question to remain in AGMA.

Dated Aug. 5, the letter reads: "At this time the AFM desires to make a request that all instrumentalists belonging to your organization, such as Heifetz, Elman, Hoffman, Horowitz, and all symphony orchestra conductors, resign from your organization and become members of the AFM where they rightfully belong."

"As you know, the charter of the AFM granted by the AFL calls for all instrumentalists to belong to the AFM."

From the inception of the AFM, we have not interfered with such artists, and rightfully so, feeling that they were in position to take care of themselves and were not in competition with members of the AFM. The request that they were making at this time has been brought about by reason that these instrumentalists saw fit to join a labor union, and so long as they desire to belong to a labor union, they rightfully belong to the AFM. The union has brought on many complications and misunderstandings. For instance, AGMA has been taking in

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, is the estimated cover charge business being done by name bands in various New York hotels. Dinner business (7-10 P.M.) not rated. Figures after name of hotel give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Weeks Played	Covers Per Week	Total Covers
Woody Herman	New Yorker (400; 75c-\$1.50)	3	1,750	5,400
Russ Morgan	Pennsylvania (500; 75c-\$1.50)	3	1,225	3,700
Tommy Dorsey	Astor (900; 75c-\$1)	15	12,250	146,350
Ray Kinney	Lexington (300; 75c-\$1.50)	18	1,450	19,900

Asterisks indicate a supporting floor show, although the band is the major draw. †Four days, Dorsey replaced by Ina Ray Hutton Friday (29).

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

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (Aug. 28-Sept. 1). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes film song, † stage musicals, all others are pop. Parenthetic numeral after the title indicates how many weeks the song has shown up in these listings.

TITLE	PUBLISHER	GRAND TOTAL
Practice Makes Perfect (5)	BMI	49
I'll Never Smile Again (12)	Sun	40
Robb (5)	Robbins	38
That's for Me (4)	Harms	31
Nearness of You (12)	Famous	28
All This, and Heaven Too (11)	Remick	25
Love Lies (9)	Santly	25
I'm Nobody's Baby (12)	Feist	25
When the Swallows Come Back (10)	Witmark	24
Blueberry Hill (8)	Chappell	23
Six Lessons from Madame La Zonga (12)	Miller	21
Danny Boy (17)	BVC	21
Pools Rush In (14)	BVC	20
Sierra Sue (17)	Shapiro	20
Mister Meadow (4)	Feist	20
One Look at You (9)	Mercer	19
There I Go (5)	Paramount	17
Call of the Canyon (5)	Shapiro	16
Can't Resist You (15)	Ager	16
Rhumboogie (1)	Leeds	16
Moon Won't Talk (4)	Southern	15
Same Old Story (5)	BMI	15
We Could Make Such Beautiful Music (9)	BMI	15
Ferryboat Serenade (14)	Robbins	14
It's a Lovely Day Tomorrow (4)	La. Purchase	13
Never Took a Lesson in My Life (4)	Remick	13
Now I Lay Me Down to Dream (1)	Remick	12
You Can't Brush Me Off (14)	Berlin	12
Get the Moon Out of Your Eyes (6)	Paramount	11
I'm Stepping Out with a Memory Tonight (12)	Robbins	11
Tonight (13)	Robbins	11
Down by the O-h-i-o (10)	Forster	11
Only Forever (1)	Santly	10
I'm Home Again (1)	Olman	10
Shout, I Am an American (2)	Mercer	10

accompanists (pianists) who play for opera singers, symphony conductors, etc. AFRA has taken in entire orchestras which of course is in violation of its charter.

This office is notifying all radio interests, picture studios, symphony orchestra managements, grand opera companies, recording companies, booking agencies, etc., that these people will not be recognized by the AFM and members of the AFM will not be permitted to render any services at any functions in which they participate unless they become members of the AFM on or before Labor Day.

I hope that the relationship between your organization and the AFM will always continue to be on a pleasant basis."

Some question has been expressed in union circles of how Petrillo came to write such a letter. It has been suggested that either he wrote and sent it without taking time to consider or consult attorneys, or that it was actually written, at Petrillo's request, by one of the subordinate AFM officials. Pointed out that whoever wrote the letter misspelled the name of Josef Hofmann.

K. O. Gags

Continued from page 1

November. Several of recent pictures seen in the projection rooms will not go to many accounts until late November or December, after the election result is known. Even with others, bulk of subsequent ruins won't get under way on them until after November.

Additionally, there is the feeling among executives in New York that such politico gags have no part in a screen production during a national election year. Some even go so far as to charge that they incorporate sly propaganda for one political party or the other as more obvious propaganda films.

One picture recently previewed had a character saying he was going to U.S. and vote for F.D.R. When told that he would not be able to

cast his ballot for several years because he'd been out of America, the actor says, "Oh, he'll still be running for office."

In another, a drunk staggering to the microphone while an announcer is splicing explains his condition by saying he hasn't been around much for eight years. The retort is, "Ah, a Republican."

Still another film, in attempting to explain what a Zombie native is, finally arrives at the definition: "Oh, you mean a Democrat."

There have been several other pictures viewed in projection rooms recently with anti-Republican or Democratic barbs in them. One takes an indirect slap at continual spending for roads as means of national defense.



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Inside Stuff—Music

Two more versions of the old hillbilly lament, 'Seven Years With the Wrong Woman,' has bobbed up in the trade. The latest takeoffs are 'Seven Beers With the Wrong Woman' and 'Seven Beers With the Wrong Man,' with phonograph versions of the former lyrics reported to be garnering heavy attention from coin-machine addicts. Original lyric, published nine years ago by Mills Music, Inc., was 'Seven Years With the Wrong Woman.' Later the same firm put out a variation—tagged, 'Seven Years With the Wrong Man.'

Recently Mills discovered that Okeh had made a record with Karl and Hartly, hillbilly team, under the title of 'Seven Beers With the Wrong Woman.' It investigated and learned that Bob (Hillbilly) Miller had authored this particular set of lyrics and, since there was no question as to Mills' status on the copyright implications, the latter firm proceeded to add to this hillbilly lament's trilogy by getting out on the market the 'Seven Beers With the Wrong Man' edition. Okeh has lined up Bob Acher and Bonny Blueeyes, hillbilly team, to record the latter number, while Decca is likewise putting it out with Long Texas Dan.

What has been suspected is now gaining credence, that sundry ASCAP songsmiths have been authoring pop tunes for BMI under nom-de-plumes. It recalls that BMI made frank offers to ASCAP writers and the Society is supposed to have tacitly told any and all that if they wanted to 'knock off some easy money' it was all right to write songs under phony names. The manner in which a couple of BMI tunes have been asserting themselves belies one premise that you can't find songwriters under rockpiles—but then again these tunesmiths may be better than the casual variety.

Professional men with ASCAP publishing firms are pointing out to one another that NBC and Columbia have apparently junked the staggering rule as far as Broadcast Music, Inc., tunes are concerned. This rule barred the repeat of a current song release on night time schedules from anywhere from two to three hours so as to avoid unfavorable listener reaction.

Paul-Pioneer is capitalizing on the Wendell Willkie campaign by putting out a special edition of 'On the Banks of the Wabash,' with the Republican candidate's picture on the title page. Same firm is also making an intensive plug of 'And Tommy Goes Too,' a comedy rhythm song which James Kendis and Charles A. Bayha wrote and had published originally in 1912.

Night Club Reviews

RAINBOW ROOM, N. Y.

Ben Cutler and orchestra (13), featuring Virginia Hays, Monna Montes and Jose Fernandez. Elvira Rios, Whitson Bros. (4), Dr. Sydney Ross; \$1 and \$2 cover.

Good variety in the new Rainbow Room revue that ranges from zany acrobatics by the four Whitsons to classic Spanish terpsichore by Monna Montes and Jose Fernandez. In between is Elvira Rios, a somewhat Mexican songstress with pash ballads like 'Perfidia' and the like in the congarhumba rhythm.

Save for the Whitsons, who are a bit of a departure from the standard R.R. it's old home week. Ben Cutler's band marks its third date here. He, like Eddie LeBaron, Ruby Newman and Ray Hersherton, are Rainbow Room regulars with competent dancipation. Monna Montes and Fernandez were here only a few months ago. She's prima ballerina of the Metropolitan and Fernandez, now with the American Ballet School, is a foremost choreographer. Their terms are certainly distinguished and stand out, in general, a question for the week in mind, they're ideal for a chi-chi room like this.

The Rainbow has been trying to unstiffen itself in any way possible, succeeding well, as witness the Pitchmen, zany trio, some weeks back.

Miss Ross likewise registers. The knockabout Whitsons, on the other hand, are a shade more to the Leon & Eddie's side than in the Rockefeller nitery. Their acro stuff, however, is fast and furious and held to a 20-minute show. Cutler's terp tuningster is standard, with addition of Virginia Hays, who gives a supplementary piano-jug spotlight is more than a casual waltz bag or a casual waltz. She comes from Chi's Pump Room, and originally from the Coast. Miss Hays makes for a nice interlude and a fitting entracte to the snappy 30-minute floor show.

EL PATIO (MEXICO CITY)

Mexico City, Aug. 27. Regine and Shanley, Manuella Arriola, Genaro Salinas, Aquilino, Mitico Trio, Poco Millet, Elba Valledares, Julio Richards; no cover.

This is the largest cafe in Mexico City, with a capacity of 350 or better. It is also commonly recognized as the one spot which most reliably produces a first-rate floor show. The entire establishment is operated on high class standards, free of gyp, over-crowding or jarring notes. Its popularity may be seen in the reservation until after the midnight performance. (There is another show around 2:30 and the place stays open until four or so, very late for a town not much given to staying up late).

The title of the place describes the decor. The diners are in a large open air (see actual) courtyard of a Spanish hacienda. One veranda serves for overflow tables. In a fountain effect lies the orchestra shell. One practical staircase serves as a run-up for the chorus of 16. Not the least note-

worthy aspect of the place to American eyes is the beautiful parquet hardwood dance floor, the likes of which scarcely exist in a Manhattan nitery.

The audience, predominantly comprising the Mexican equivalent of cafe society, with a sprinkling of Yankee tourists, responded at show caught to Aquilino, tailored in manner of a cabaret and playing blight music on a saxophone. An artist both on his instrument, in showmanship, heel-clicks and general style of his turn, Aquilino was far better for this audience than the American dance team, Regine and Shanley. Latter did okay but the light show motif of the choreography was not wholly suitable. It was the wrong hemisphere perhaps. It's symbolic he-he stuff, with the pale female spirit of agonized passion swaying and moaning with eyes closed as the black-encased male provides the positive electrical sputter to match the negative.

In the native idiom is the Mitico Trio, who perform in tribal attire and with masks. Manuella Arriola was in easy command on several songs and came back for a comedy touch as an Indian woman full of pulque, the fermented juice of the cactus.

The floor show climaxes with a conga by the chorus, followed by a lesson to the audience in the same dance. This lesson develops into a somewhat riotous serpentine intermingling of performers, Mexican business men, matadors, senators, American schoolteachers—and probably some fifth columnists. Land.

Cocoanut Grove, L. A.

Los Angeles, Aug. 27. Happy Felton, Crawford and Hughes, Hughie Green, Susan Miller, Darlene Gardner, Clyde Lucas (14); cover, \$1.50 Saturdays; \$1 other nights.

That this class nitery is reaching for a winning formula is at once evident to those who regularly patronize the spot. John Barton Brown, who looks after the destinies of this palmed grotto, must be convinced by now that a name band alone won't pull them in. Some time ago the dance floor was glazed and an ice-cream parlor, but it was no go. Now it's a 40-minute revue with a line of eight girls, produced by Danny Dare, who can take the bows for the success of 'Meet Me in St. Louis' and 'Cupid Is a Sinner' after one of the longest stage runs in Hollywood.

Tab extravaganza has Happy Felton out front, away from his band, which at times becomes a bit too rough for this clientele. Such song routines as 'Would You for a Big Red Apple' and 'Cupid Is a Sinner' even had the monkeys up the palms blinking a little faster. The regulars must have wondered what's come over the old playground. It's now doing smash biz in the lush days when you had to be a Mr. Somebody to rate a ringside table at the Grove.

Dare has whipped up a fast-moving show, with the talent booked at a Must Corp. of America to supplement the nucleus which recently performed at the Rancho San Pablo

up north in the bay district. Rehearsed for the first time hereabouts is the ballroom dance team of Crawford and Caskey, a class turn of fancy footwork and nimble precision. Many of their routines are new to these parts, deftly executed without the sweeping flourishes of such terpsers. They ankle right down to business and get over the floor a dozen times in the usual time. It takes many another pair to warm up. Novel twist is that of Crawford donning a mask of Fred Astaire to stentil that worthy's gyrations over the wax.

Felton leads off with a politico theme, 'I Think I'll Vote for Me,' tossing out cigars and soapboxing for all parties. His jovial manner and preponderance of avoirdupois lend weight to his not-so-good material, which isn't helped much by the off-color passages. Susan Miller, a comely blonde swinger, comes solidly in two spots and shapes up as a good bet for some first rate band. Darlene Garner cartwheels all over the place strictly in line with the tempo moving. Hughie Green goes into a long string of impersonations and then combines them all for a rapid-fire dramatic bit, using hats to set off the characters. Some day some impersonator is not going to impersonate Lionel Barrymore or Charles Laughton. Green is out of Dare's must to be a comedian generally—personal performer.

The 'Cupid' number would be better off without the 'stinker' line and the girls cleaned up. Garg to spot the femmes at ringside tables, supposedly asking the sisters' questions, which he, as Mr. Earfax, answers. They're not funny, either. Incidentally, Felton, an ex-maestro, working here alone.

Best of the production numbers, the Musketeers, is saved for the finale. Eight girls are decked out in gay costume and go into a dueling bit while tapping to the music. It's a nice splash of color to bring on the entire troupe for a last bow. Clyde Lucas tones down his crew for the dance, giving out with only one novelty: Barbara Lynn's Chinese bit. Last time they were here the stand wasn't enough to accommodate their hijinks and they overflowed to the floor. It's a smooth crew for dancing and flexible for the diverting asides.

CHEZ PAREE, CHI

Chicago, Aug. 31.

George Day, Bobby May, Jack Cole Dancers (3), Kitty Carlisle, Danny Kaye, Fred Evans Ballet, Emile Coleman Orch. (16), Don Orlando Orch. (7).

One of the best shows that Joey Jacobson and Mike Fritz have ever cooked up and one which will build at least two new nitery names for Chicago. Bobby May, who has been relatively unknown in Chicago when he opened here. Has been on the radio off and on and made an appearance in the Balaban & Katz Chicago new film, but he has never been as forcibly brought to the front as at his present Chez Paree engagement.

Kaye's act is particularly impressive because he's a newcomer on a floor which has been considered reserved for the 'sacred' names of show business of the past 25 years. But he scored despite this genuine talent and new fresh material.

Kaye has no jokes or gags. He is a personality comedian with a fresh twist of extremely clever satire and burlesque. He has a good sense of present-day fads and foibles, whether it be a song such as 'Dinah Lee,' the conga or the Russian ballet. It's smart stuff throughout in the writing and made more impressive by Kaye's distinctive style in selling it.

With a fine appearance as a basic asset, Kitty Carlisle went on from there to make friends with this clientele. Gives each song bounce and lightness even beyond the basic qualities of her songs.

Jack Cole and the two femmes are liked by the customers. The stylized Polynesian dancing scores and on that basis Cole's turn can make good in any of the nitery. Bobby May works almost too hard with his acrobatic juggling. He was dripping wet when he finished his work with clubs and balls when he began his act, and he made an impressive display of his ability and dexterity. But, nevertheless, in a nite spot. May should tone down somewhat on the too-energetic acrobatics and make a few more tricks that depend primarily on novelty. His encore cigar juggling stunt is a good point in the novelty category. Opening the act with a filling grace and a heap of dancing talent.

Emile Coleman orchestra on the first night made an instantaneous click. Orchestra has plenty of everything. Interesting music at all times and in all tempos, from the rumba to the fox-trot. Orchestra does a difficult job of handling the long and difficult show. Don Orlando layout is the alternate instrument group and turns in a fine dance session. It's really topnotch, with splendid dance ballet work by the Fred Evans line of girls and nifty costuming by Frances Fallesster.

On the Upbeat

Band Bookings

Ben Bernie, Sept. 6, Palace theatre, Cleveland; 13, week; Colonial theatre, Dayton; 27, Metropolitan theatre, Providence.

Charley Spivak, Sept. 7, two weeks, Cass Loma, Charleston, W. Va.; 21, Trianon B., Cleveland.

Jimmy Dorsey, Sept. 14, private party, Wilmington C. C., Wilmington, Del.; 15-17, one-nighters, New England; 19, week, Flatbush theatre, Brooklyn, N. Y.; 26, Windsor theatre, N. Y.; Oct. 4, Palace theatre, Cleveland; 11, Chicago theatre, Chicago; 23, Earle theatre, Washington, Nov. 1, Hipp theatre, Balto.; 8-12, State theatre, Hartford.

Glenn Miller, Oct. 4, Hecla Park, Bellefonte, Pa.; Oct. 5, Convention Hall, Philadelphia.

Tommy Tucker, Sept. 23, Oriental theatre, Chicago.

Harry Owens, Sept. 7, Royal Hawaiian hotel, Honolulu.

Lang Thompson, Sept. 17, Village Barn, N. Y.

Orrin Tucker, Sept. 9, week, Paramount theatre, Los Angeles.

Louis Prima, Sept. 27, week, Apollo theatre, N. Y.

Bob Chester, Sept. 17, Arondo B., Wilkes-Barre, Pa.; 20, Geo. F. Pavilion, Johnson City, N. Y.; 21, Springfield, Mass.; 22, private party, Passaic, N. J.

Erskine Hawkins, Sept. 15, Savoy B., Chicago; 20, Trianon B., Toledo; 23, Greystone B., Detroit.

Woody Herman, Nov. 8, Oriental theatre, Chicago.

Hal Kemp, Sept. 22, Coconut Grove, Los Angeles.

SHRIMBAN FOLDS N. Y. BRANCH, BUNDY TO CRA

Since the shift of Bob Bundy over to Consolidated Radio Artists' one-night stand, the Charles Shribman office in New York has been closed. Bundy had been N. Y. rep for the Shribmans. He replaced Billy Shaw at CRA. Shaw shifted over to Music Corp. of America's one-night setup under Harry Moss, his boss.

Shribman's main office is in Boston. All bookings for the New England jobs will be done from there.

Ted Lewis to Tee Off Lincoln Spot's Season

Lincoln, Sept. 3. Turnpike Casino opens for the winter season Sunday (8), when Ted Lewis brings his outfit in. Following closely will be Herbie Kay and Tommy Dorsey.

Spot will resume its regular policy of names on Fridays, and moderates on Saturdays and Sundays. Occasionally, if names are unavailable otherwise, they'll be taken on other nights of the week. Spot is managed by R. H. Pauley.

Music Notes

Hal Borne clefled 'I Ain't Hep to That Step, But I'll Dig It' for the Fred Astaire-Paulette Goddard starer, 'Second Chorus.'

Johnny Burke and Jimmy Van Heusen turned in three songs for the Paramount picture, 'Love Thy Neighbor.' Ditties are 'Dearest, Darest I?', 'Do You Know Why?' and 'Isn't That Just Like Love?'

Maek Gordon and Harry Warren writing the songs for 'They Met in Rio' at 20th-Fox.

Harry Rosenthal doing a symphonic arrangement of Notre Dame's 'Victory' song for the premiere of Warners 'Knute Rockne—All American' at South Bend, Ind.

Jimmy McHugh and Johnny Mercer clefing ditties for 'You're the One' at Paramount.

Kassel Reopens Des M.

Des Moines, Ia., Sept. 3. Tom Archer will reopen his downtown Tromar ballroom here with Art Kassel's band Sept. 12.

While Archer has been operating Val-Air, outside the city limits, the Tromar has been redecorated and the bandstand remodeled.

Erwin Glucksman orch has moved into Dellwood Lodge outside Buffalo, while Tommy Flynn band does short road jaunt.

Lola Cordova and her Argentine band have been booked to open Pittsburgh's newest nitery, Joe Sala's El Chicho, this weekend.

Lawrence Welk went direct from Kenwood Park, Pittsburgh, where he closed Monday (2), to Trianon, Chicago, for two-month stay.

Jimmie Lunceford granted flying license for NBC sustainer. He'll probably do dance work on side, too, as the new outfit is composed of non-radio studio men.

Bill Von Zehle quit Consolidated Radio Artists and shifted to station WINS. He handled acts and bands.

Ray Noble held over until December at Palmer House, Chicago.

Spud Murphy band back in rehearsal for NBC sustainer. He'll probably do dance work on side, too, as the new outfit is composed of non-radio studio men.

Ralph Young, vocalling with Tommy Reynolds.

Ella Fitzgerald band did out some scene-shifting Sunday (1). Played an afternoon date at Cars Beach, Annapolis, Md., and an evening stand at the Chestnut, Aud., Harrisburg, Pa., 100 miles away.

Raymond Scott band set for stretch at Chase Hotel, St. Louis, beginning Sept. 20. Probably will return to Chicago for date at the Blackhawk Cafe following, a spot that's opposition to the band's current location date at the Sherman Hotel, Chicago. Band has done four weeks of strong business at the latter.

Ella Logan resuming recording for Columbia Records.

Clark Yokum replaced Billy Wilson. Pied Piper's quartet with Tommy Dorsey. Wilson enters another field.

Frances Sargent, ex-secretary of the ailing Sonny Werblin of Music Corp. of America, became Tommy Dorsey's sec last week.

Horace Heidt doing a series of one-nighters in Southern California while waiting to start his picture, 'Pot o' Gold,' for James Roosevelt.

Newt Perry, leader of college band that went pro, to lay off the month of September while he gets hospital checkup in Chicago. Band lays off, too.

Dentlin's Pennsylvaniaans continue throughout the fall in the terrace ballroom of Pocono Manor Inn, Pocono Manor, Pa.

Channing Barron's orch set for weekends during fall at Rocco's Villa Sunset, Blairstown, N. J.

Saxie Dowell's orch is now playing at the Edgewood, East Breenbush, N. Y.

Jimmy Martone's orch playing at Yankee Lake, near Youngstown, O. for an indefinite engagement.

Gene Kunk and his band opened at the Hotel Willard, Toledo, Monday (2), coming from the Hotel Orlando, Decatur, Ill.

Harl Smith is bringing his orchestra to the El Dorado Room of the Commodore Perry Hotel, Toledo, opening Sept. 19, coming directly from Sun Valley. He will play the Commodore and the Ted DeWitt chain of hotels before returning to the resort late in December.

Woody Herman, Ellington Set For Chi Vaude Dates

Chicago, Sept. 2. Oriental here has set two more bands for October dates. Duke Ellington orchestra comes in for week of Oct. 4.

Following week brings in the Woody Herman band.

NEW YORCHIDS

From
Walter
Winchell



"ROMO VINCENT"

is the town's newest comedy find!....

—DANTON WALKER

"ROMO VINCENT"

reveals slick talent, a welcome newcomer!

—LOUIS SOBOL

"ROMO VINCENT"

is a rare comedian!

—ROBERT DANA

"ROMO VINCENT"

is refreshingly different—listeners clamor for more!

—MALCOLM JOHNSON

"ROMO VINCENT"

is a card, a first class comedian!

—RICHARD MANSON

"ROMO VINCENT"

is the night club comedy find of the year!

—DOROTHY KILGALLEN

"ROMO VINCENT"

is Broadway's Newest Favorite!

—LEONARD LYONS

"ROMO VINCENT"

is Broadway's most successful new recruit!

—TED FRIEND

"ROMO VINCENT"

is the town's newest comedy sensation!

—GENE KNIGHT

"ROMO VINCENT"

'hottest' performer to hit Broadway in many seasons!

—ED SULLIVAN

P. S.—This is an ad for Romo Vincent, who thanks all the critics and the columnists, as well as Mario and Hy Gardner. Thanks also to Joel Rose.

Now Going on His 16th Week at the Hurricane

Management
WILLIAM MORRIS AGENCY
Paul Small

'Judge' Matt Kelly, An Ex-Agent, Now Quite a Politician

Around the vaudeville offices in New York it used to be Matt Kelly, the agent; up in New York's Putnam county, where \$49.50 buys a lot on the shores of man-made Lake Carmel, it's now 'Judge' Kelly. That's putting in cold type how Broadwayite parlayed a summer home into a political job as Justice of the Peace and forsook selling acts for selling marriage certificates.

On the side, Kelly is also dabbling in real estate, but marriages are his fastest-moving item, especially these conception days. He got his first crack at splicing the vows a couple of weeks ago and naturally was slightly nervous. So he held a dress rehearsal the night before, with sideline direction from attorney I. Robert Broder, who was up from the big city for a weekend.

Broder, being a bachelor, could naturally be a cold-blooded arbiter on the formalities of taking a free man and juggling him into a home, family and headaches. Kelly was still nervous the following day and one of the witnesses mistook him for the groom.

The story of Kelly may yet become the saga of the town of Kent, N. Y., because he's digging deeper and deeper into politics and applying a little showmanship as he goes along. For instance, he's the latest Justice of Peace appointee of four or five in Kent, but managed to get himself billed on top on all letterheads. He's also press agent for the Putnam County Country Club at Lake Hopack, the only Democratic c.c. in the Republican-infested territory.

Kelly first bought a lot, which soon sprouted a summer bungalow, at Lake Carmel (N. Y.) around nine years ago. The vaudeville business was then only half-rotten, so Kelly just spent summers there. As vaude sunk, so much more did Kelly take the lake and the politics of Kent seriously. Soon he added a furnace to the bungalow, which converted it into a winter residence as well, and began a career as a true-blue Democrat. When the latter began to bear fruit, he stopped coming to see the vaude bookers and now rarely ever comes down to N. Y. City for any reason.

However, they say he isn't forgetting the little tricks of the trade and is always adding something new to attract constituents. One of his ideas yet to bear fruit is to perform marriages in blackface, both for the humor and to give him that necessary deadpan expression when he's making a sucker of somebody else.

Cafe Op Held at Fault For 'Indecent' Show

Atlantic City, Sept. 3. Police Magistrate Albert N. Shadish ruled in effect last Thursday (29) that the manager of a nitery is responsible for any indecency in floor shows after proper warning by authorities, and that the performer is just a hired hand. He sentenced Anthony Larosa, manager of the Chez Paree on the Boardwalk at the foot of N. Y. avenue, to pay a fine of \$50 or spend 30 days in the cooler. Gypsy Nina, a striptease dancer, had been arrested in the place a week previously by order of Mayor Taggart, who said she overstepped the bounds. Counsel for the dancer (not to be confused with singer Gypsy Nina) argued she was not to blame, since Larosa insisted she put on her act, despite police warning. Captain Ralph Gold testified Larosa defied his warning.

Cinda Glenn Delays B'way Date for Rio

Unable to set back a South American booking, already once delayed, Cinda Glenn will play Loew's State, Broadway, in December, rather than now. She sails Friday (6) for the Copacabana, Rio de Janeiro, opening Sept. 23 for six weeks. Hal Sands and Jack Davies booked.

From Gags to Books

Alan, of Murray and Alan, has retired from vaudeville and opened a bookshop on 7th avenue in the Times Sq. sector. His partner is presently laid up following a surgical operation.

Saranac Lake

By Happy Benway

Saranac, N. Y., Sept. 3.

Harry Martin, formerly of the team of Stuart and Martin, and of Earl Carroll's Vanities, new at the lodge, getting the

Margie Eagen, sec to James J. Johnson, into the Rogers for an ozoning period.

Paul Sarkin, formerly with the Empire theatre, Brooklyn, in for a checkup.

Eddie Dowd, who writes songs between rest periods, has passed another natal day.

Paul Welch, with the Auditorium theatre, Chicago, making the grade in musicals. Leaves to resume his former duties.

Charlie Howard, ex-vaude and pix player, handed his o.k. papers and is California bound to resume work.

Mr. and Mrs. A. D. D'Agostino, Bayonne, N. J., weekendened with their son, Jack, formerly with the Rosenthal & Welt theatre corp. Boy is doing nicely.

Phil Noyer, who made the grade within three months at the lodge, is back in Los Angeles writing for pix.

Erwin Forsythe, known in vaudeville as Marden the magic took time out to help the gang.

Cold spell has knocked the bottom out of nitery biz. Alex's Grove and Harvey's have folded; two others expected to shutter.

Edward McDonald, who made the grade here and shot into Brooklyn to resume work, reports that he's still o.k.

Nice to know is the fact that everyone of the local orchestras and entertainers always says 'yes' when asked if they will entertain this all-night gang.

Write to those who are ill.

•15 YEARS AGO•

(FROM VARIETY)

Southern California feared Florida compete as a resort center. As a result the All Year Club of Southern California was raising \$1,000,000 to boost California.

Broadway theatrical haulers went out on strike, presumably at a time when they thought managers would be most embarrassed, with the start of the new season. However, the managers were getting around that by using stage crews for the hauling.

'The Kiss in a Taxi,' new Broadway play produced by A. H. Woods, got spotty notices. Among the cast were Claudette Colbert, Arthur Byron and Janet Beecher.

The Department of Justice was undertaking an investigation of the Will Hays organization, it was reported though unconfirmed. Exhib squawks 'discrimination' brought it about.

Metro-Eric Von Stroheim production of 'The Merry Widow' was socko, the screen treatment of Franz Lehár opera showing Mae Murray at her best. Also in the cast were John Gilbert, Roy D'Arcy, Tully Marshall and George Fawcett.

Edmund Lowe, former legit who had entered pictures, and Lilyan Tashman, 'Follies' girl, were married. Jeanne Eagles, the legit star, was wed to Ted Coy, the former Yale football star.

New Act

DICK TODD

Songs 12 Mins.: One

State-Lake, Chicago

Todd has been on commercial radio for a couple of years now and has been making many platters which have been getting good jukebox play around the Midwest at least. He is a crooner with a radio-type voice which sounds a good deal like Crosby's, and if he handles himself right might get up to the top ten list workers in the business.

But he was handicapped by stage inexperience on his appearance here, his nervousness shadowing his voice and hurting his personal audience appeal. Given a few weeks of vaudeville seasoning he may develop into a capable stage performer, but at present indicates a real need for this vital experience. Which is rather surprising as he's been around with bands, etc., for some time. Basically, his pipes are okay on the crooning side and he coos the standard list of current popular tunes. Gold.

Unit Review

A. B. MARCUS SHOW (PALACIO DE BELLAS ARTES, MEXICO CITY)

Mexico City, Aug. 26.

Leon Miller, Harold Boyd, Roland Rumas, George Charland, Joseph Flagg, Jimmy Arnold, Sparky Kaye, Bob White, Lee Royce, Norman Stuart, Jack Holt, Charles Carman, Rudy Mason, Archie Greco, Ricki Roberts, Flagg and Arnold, Jimmy McGowan, Robert Taynton, Howard A. Quinn, Williams Hay, Princess Hin Low, Sharon DeVries, Zoe Galvan, Roberto Joux, Ruth Durrell, Janada, Mozelle Winston, line.

During the turbulent late '30s under conditions of international confusion, exchange restrictions and finally war, the globe-trotting Chicago showman, A. B. Marcus, has continued to keep an all-American republic and showmen's union in his hemisphere hopping employment. Just now he is in the ninth week of his Mexico City tour with another fortnight to go, then back to Cuba, and then to the Alcazar in Havana. Following that, although the route is not confirmed at the moment, the Marcus company will probably hit the Central American republics and Panama en route to Argentina, Brazil, etc. Bookings are, of course, subject to native developments and the war. When the latter ends Marcus hopes to return to South Africa, where he clicked and cashed big some years ago on a 30-week stay (Janada, a clever contortionist, was added to the Marcus company in South Africa and is still with it).

Marcus is nearly alone just now as an international touring impresario. As a problem in practical operating economies the task of successfully transporting so many people and two carloads of scenery and playing strange lands speaking foreign tongues needs no emphasis. The arithmetic of the Mexico City engagement suggests the fiscal complexities.

After a week or two at six pesos (\$1.50 American), during which he did S.R.O., the town's six-peso customers were exhausted. Marcus took the price up to ten pesos and has crowded them in ever since. This cheap scale contrasts with the \$3 (12 shillings) scale he got for more or less the same production when playing the Australian South Africa. Admission sales in such international touring are necessarily flexible and, by Yankee reckoning, run all the way from comparatively expensive to comparatively cheap seats. Marcus magically contrives to keep going and to get along in most countries without guarantees.

The show which this VARIETY staff member from New York caught was the third change of bill for Mexico City. Marcus has organized his company for versatility. The performer has many specialties. The chorus is completely re-costumed for each change of bill and the scenery (mostly hanging pieces) are entirely substituted. This all-new-each-bill policy is the sole foundation on which long engagements in foreign countries are possible. Marcus has found in his many years of experience.

After nine weeks in the Mexican metropolis some of the cast members, notably Sparky Kaye, who also has an Espanol appearance, are jabbering a little Spanish. The show is performed in a medium of one, and most important, slight; two, and minor, English. The specialties are strongly visual. Like the droll gestulations of Sharon DeVries, who uses her body, arms and fingers with fine comic artistry which the Mexicans have no trouble savvying. The knockabout slapstick of the Jig-Saws with Harold Boyd is in the tradition of the American variety parlors. Their eye-poking, nose-tweaking, body-pummeling make for a universal giggle language. For sock show-toppling, and the unbelievable agility of Princess Hin Low, the Olympic championship bar-work and gymnastics of Jack Holt, and the troupe of jitterbugs Marcus picked up recently.

The vital point is that the component elements of the Marcus entourage are based on appeal to the eye in leggy laughs, gasps and sexy acts. The show is delivered on girls lines with the presentation bearing the sub-title 'Girls and Girls.' Flash scenes are designed to parade the nude white torsos of los Americanos

in dainty trappings. What gives the show its boxoffice potency is that Marcus and his producer, Leon Miller (who also performs), contrive to mount the production impressively pace it in the Yankee tradition of zip, and by the judicious arrangements and rearrangement of the chorus, the specialists and the comedians (and the admission scale), they ring the bell and stay a long time. The show is marked throughout by experience and professionalism.

American show-goers will quickly recognize the genesis of the three or four 'sketch comic.' The effort of the comic (Sparky Kaye) to sleep when constantly interrupted in 'La Casa De Locos' ('Crazy House') by a series of nuts (Rudy Mason, Charles Carman, Howard Smith, Ja Cha San, Leon Miller, Norman Stuart, Lee Royce) is from way back. The punch line, the seltzer-saturated victim, being chided by the nurse (Dorothy Coudy) for not being house-broken. This whole skit may be described as a broad, loose Spanish translation with all the standard bits worked in. The Mexicans stand as if it was new and wonderful. Actually it's played with considerable hokum skill.

It's amusing, too, to discover at this altitude the lemon bit out of burlesque which Abbott and Costello exploited in 'Streets of Paris.'

Novelty in the show include Don Galvan, who's a familiar figure in the states. He has been more in English-speaking niteries, et al., than in Latin lands, and he apologizes to the Mexican audience because his Spanish, while good, is losing the true frijolero flavor. An artist of poise and elegance with guitar and banjo, he regaled strongly. It's been added for the Mexico City engagement to give local flavor to an essentially all-American invasion (despite the Chinese princess, the South African and an Australian showgirl, Joy Flower).

Two traveling stage managers (Marcus carries portable switchboard, all lighting equipment, etc.) and musical director, Charles Ruddy, are part of the company, as are several seamstresses, etc.

All in all, the Marcus show is not only a well-balanced entertainment and company of considerable versatility, but, in these days, it represents a small miracle of business planning and management. Marcus cuts more red tape than the U. S. State Department. Land.



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LIFE, Page 1, Sept. 2nd

Now: Coconut Grove
Ambassador Hotel, L. A.

Monte Proser Gives the Lowdown On Enjoying Yourself in a Niterly

Monte Proser, impresario of the zombies, ex-niterly p.a. and now head of a chain of Beachcomber and Zombie joints, has written a foreword titled 'How to Enjoy Yourself in a Night Club' for Ethelreda Kay's forthcoming book, 'The Buyer Goes to Town', which Falcon Press will publish Nov. 1.

Proser's sage advice is as follows: (1) Before you go to a particular night club, make sure that you are thoroughly acquainted with the cover charge or minimum and the range of prices for food and drink. And once acquainted, make sure that you can comfortably afford the probable cost of your evening's pleasure. Thus, perfect evening won't be ruined by a headache when the tab arrives.

(2) When you get your hatcheck, put it where you're sure you'll find it, that when you're ready to leave you don't spend an embarrassed 10 or 15 minutes fumbling through your pockets while the hatcheck girl and your companion try to conceal their discomfort.

(3) If you like to celebrities don't sit at the ringside; sit at a table near the door. But don't expect to see as many celebrities as the Broadway columnists report. Somehow, they're just never around when you are.

(4) Make friends with your waiter as soon as possible: He can spoil your evening if he should take a notion to, and likewise he can do a lot to make it more enjoyable.

(5) Don't spend a long session on the dance floor immediately after placing your order. You're liable to come back to flat drinks and cold food.

(6) When in Rome do as the Romans do: Don't wear street clothes at a night club which requires formal attire, and don't make yourself conspicuous by wearing evening dress at a night club which is obviously informal.

(7) Know your alcoholic limit and don't exceed it. It's better to conclude the evening under your own power—instead of under the table.

FOX, INDPLS., REOPENS AS TOWN'S 2D BURLEY

Indianapolis, Sept. 3. Fox theatre, dark for the past few years, opened Friday (30) as the second burlesque house in town. Opening bill grouped in 'Parisian Burlesque Follies' with Myrna Dean, Jai-Li-Ta, Jack Greenman and Victor Plant. Matinees go at 20c and 50c with nights 30c and 50c.

House will book in road burley shows, according to Jack Dickstein, manager. Other burley house in town is Mutual, which brings in principals and keeps the same girls each week.

VARIETY SAID IN

Issue Aug. 28, 1940, About

RAUL and EVA REYES

Foremost Exponents of
Rumba and Conga

"Couple have everything, looks, appearance, talent and personality. Gal's a sex-appealing little dark-skinned beauty, and Raul has enough to give the ringsiding females pitty-pats. Their stuff is all class and they have a pack of novelties that's in the conga groove. The Reyes rumbas are clickety roulined, and they have a Cuban version of 'Beguine' that's mighty near the tops in this sort of thing. For encores, they have several briefs, with 'Shoelin' the Wild Mare' and 'Cracking the Ford,' both sexy, but in excellent taste, their best. Nixon crowd wouldn't get enough of them and the Reyeses could have stuck around ad finitum.

Cohen.

Management
BILL KENT
1776 Broadway
New York

Best Coffee in England
QUALITY INN
Leicester Square
LONDON, WEST-END

Stooges' 3-Month Tour

Hollywood, Sept. 3. Moe and Jerry Howard and Larry Fine, the Three Stooges, open a three-month personal appearance tour Sept. 13 in Chicago, in connection with their new Columbia two-reeler.

Tour calls for bookings in New York, New Orleans and intermediate spots.

Cleric Reformer Agam Rampages In Minneapolis

Minneapolis, Sept. 3. The Rev. Henry J. Soltan, reformer and head of a law enforcement league, is on the loose again. As a result, local night life, which had been showing some slight signs of revival since his campaign of several months ago, is being shot full of holes. 'Sin' in every form is getting wound up in the minister's hands. Even the State Fair has come to his attention.

Believing that the Fair, owned and operated by the state's taxpayers, should confine itself to 'educative' activities and 'not to teach the youth to gamble,' the Rev. Soltan tried unsuccessfully Saturday (31) to close bingo, blanket and other wheels and all chance devices generally, being balked by law officers who couldn't see eye to eye with him. Instead of putting over his blitzkrieg against the minions of Satan, he wound up being fined \$5 for contempt of court.

Sought Warrants

The Rev. Soltan sought warrants for nearly 100 State Fair concessionaires, but claims Justice of the Peace Nick Lebans kept giving him the runaround. 'The justice' apparently was too busy most of the day to make out the warrants. Finally, however, 24 were issued against concessionaires. But when the cases came up for hearing later, the reformer asserted that lack of cooperation by the authorities had gummed up the works. The result was dismissal of all cases for lack of sufficient evidence and when the reverend squawked about the court's attitude the justice plastered him with the \$5 fine.

Difficultly Encountered

Earlier in the week, the cleric was instrumental in having the Theatrical Mutual Association club, a large and elaborate all-night unlicensed drinking and gambling spot, raided. There were several hundred in the establishment, including many State Fair visitors, when the minister and his investigators gathered their evidence at 2 a.m., but when the police, headed by the reformer and his group, made the pinch an hour later, they succeeded in bagging only 43 men and 14 women customers. The owner and employees were among those who made their getaway.

The reverend had gone to police headquarters to obtain police for the raid. Difficulty was encountered, he says, in finding cops and although a tour was made of the loop only four could be enlisted. By the time that police Soltan and his four agents reached the place most of the crowd had vanished and Soltan charges a 'tipoff' by the police. Moreover, Soltan claims, the owner and employees were behind the bar and the law officers conversed with them. Imagine his surprise, then, Soltan told the press, to find that the owner and employees were not among those arrested. They're still at large, too, but the customer: nabbed in the raid were fined \$10 each in municipal court.

Soltan charges that there were three slot machines, California dice game, several '14 boards, etc., in operation and much drinking, with liquor being served freely at the bar and at the numerous tables.

Senor Tishman Back And Endorses Latins

Irving Tishman, New York agent-producer, returned from South America yesterday (Tuesday) confirming that conditions are great for American performers in the Latin Americas.

Tishman shipped down with Buster Shaver and Olive and George Brason, his act, who are remaining on at the Casino de Urcu in Rio de Janeiro.

Haddock Insists AGVA Nat'l Bd. OK'd Kelly's Firing; Hearing Due Mon. (9)

Tracy-Drake Ready

Kemp Unit for South

Kansas City, Sept. 3.

The 1941 edition of Three Cheers, 50-minute vaude unit, is being readied here by Frank Tracy and Tom Drake. Unit is set to open for T. D. Kemp in his string of houses in the south on Sept. 16 and will play about nine weeks before hitting the middle west and routing to the Coast.

Don and Jane Ford and Alene and Evans are already set as standard acts, with two more to be added. Personnel will list a line of 10 girls and band of seven, with total about 30 with necessary production people. Being set on musical comedy style rather than m.c. manner.

Candid Camera Hound

Now Probably Wishes

He Collected Stamps

Cleveland, Sept. 3.

Candid camera hounds who have been, bothering niterly and theatre operators took one on the chin last week. When a lens-snapping musician paid \$10.65 court fine for the privilege of dropping assault and battery charges against an irate strip-teaser's fiancé.

Hobby got Paul Ludlow, local musician, into trouble when he tried to snap a very candid shot of Doris Miller in stripping action at Cowshed Club Aug. 9. Her boyfriend, whom Ludlow first identified as a radio and cafe singer known as Paddy Labato, apparently had a - lent phobia against picture-snatchers. So much that he mopped up the floor with the offender until Mel Emerson, bandmaster, came to the rescue.

Although camera doesn't lie, it developed that a musician's eye may err by the time case came up in court. Ludlow suddenly changed his exposure, claiming his eyesight might have failed him when he identified Labato, and withdrew his charges against singer. Judge fared up. Bawling out plaintiff, he ended his sermon by slapping court costs of \$10.65 on Ludlow and advised him to stop snapping sensitive strippers.

Milli Monti Booked

For N. Y. Cafe Pierre

Milli Monti, Franco-Italian songstress, goes into Felix Fery's Cafe Pierre, N. Y., shortly. Chanteuse has been around the class American boleros before.

Her booking was stalled by 'The Little Dog Laughed,' ill-fated Eddie Dowling musical which has since folded. She was featured in the latter.

Hoyt Haddock, American Guild of Variety Artists executive secretary, has denied that in firing Thomas Kelly as exec sec of the union's Philadelphia local he used the plenary powers given him by the AGVA national board when he took the job. According to Haddock, the board knew and approved his action in advance. This is at variance with statements by Dewey Barto, national prexy.

Kelly is to have a hearing before the national board next Monday (9). Meeting will go into the charges and Kelly's explanation and defense. However, according to Haddock, the board will hear Kelly only on condition that he agrees in advance to abide by the union's rules and will not, as he is said to have threatened, attempt to carry the fight to his local membership if the decision is unfavorable to him. Board meeting Friday-(30) heard Haddock's charges in full.

Explaining his action in summarily firing Kelly after the Philly local board voted to retain him, Haddock asserts that Kelly and others have been trying to sabotage AGVA with the members and agents, that Kelly has made an attempt to sign up or regulate night clubs in Philly, that Kelly held his power with the local board through intimidation of certain board members. He also claims that in the 10 days since his appointment as national representative in charge of the Philly local, Lee Traver has taken in more new members than joined the local in the previous two months.

Travers Named

Philadelphia, Sept. 3.

Lee Travers, member of an acro team, was appointed national rep of the American Guild of Variety Artists by prexy Hoyt C. Haddock to take charge of the Philly office succeeding Thomas E. Kelly, ousted last (Continued on page 47)

RADIO-BOOKED SHOW SET FOR MILWAUKEE

Chicago, Sept. 3.

First radio-booked show for the Riverside, Milwaukee, goes in this Friday (6) in the new setup where-by Columbia Artists, Inc., CBS subsidiary, will book the house. Nan Elliott, chief of the local Columbia Artists office, is handling the bookings on this end with Eddie Weisfeldt, Riverside manager, coming into town on Tuesdays for pen-ciling confabs.

Initial show has Jane Frohman, Gene Sheldon, Marty May, Jack Leonard and a mixed pre club arranged by Bob Haffer of the Chicago CBS production department.

New booking arrangement will try to get away from the traditional vaude routine and intends to modernize the stage bookings with radio-type production.

The THEATRE of the STARS

Marcus Loew
BOOKING AGENCY
GENERAL EXECUTIVE OFFICES
LOEW BLDG. ANNEX
160 WEST 46TH ST. NEW YORK
Bryant 9-7800

J. H. LUBIN
GENERAL MANAGER
SIDNEY H. PIERMONT
BOOKING MANAGER

ROXY, N. Y.

Joe Penner made his reputation on the radio and in pictures, but when it comes to a personal he still goes back to his alma mammy, good old burlesque. He is doing his regular vaude act with little variation, and

will this week. Tradition seems to call for opening with across and elbow with terp team, which is as possible as long as variations hold out, as per current edition. Muscle spot in the case goes to Page, Haek and Mac, whose suspense-builder is to stand

Despite all its deficiencies, the show seems to get across well and stir up much hilarity. The initial performance Friday (30) was before an almost completely filled house. **Rees.**

Sixty-cent admission includes Jan Savitt's orch in the ballroom, and Tom Mix's circus on the ocean end of the pier, held over from last week.

Biz thin at third show opening day

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STATE-LAKE, CHI

Tommy Cullen's band, all-new crew except leader, finished a season at Rockview Gardens, Port Jervis, N. Y. Old band under Eddie Regan continues at Glenwood hotel, Delaware Water Gap, Pa.

11 BARN PLAYS FOR B'WAY

Closing of 'Little Dog,' 'Bangtails' Clips B'way's Debuts; Biz Soars

Season of 1940-41 starts out with two quick flops, attractions which were to have been in the vanguard of September premieres on Broadway. 'The Little Dog Laughed' stopped in Boston after being out two weeks, while 'Bangtails' was withdrawn in Atlantic City with only a week's tryout to its credit.

Duo of closings clipped the debut card of the season's initial month, one which promised to be more active than for the past several years. The current Labor Day week will see but one addition to the list, a revival of 'Kind Lady,' at the Playhouse. Next week the first new shows, 'Hold On to Your Hats,' Shubert, and 'Jupiter Laughs,' Biltmore, will mark the start of the season along with Sim Bala Bim (Harry A. Jansen), a magic show at the Moros, while 'There Shall Be No Night' resumes for a month at the Alvin.

Week of Sept. 16 is slated to get Johnny-Belinda, Belasco, and a Gilbert and Sullivan troupe at the 44th street. Latter part of the month 'Old Acquaintance,' 'Second Helping' and 'Hot Ice' are due, latter going into the Center. At this time a dozen attractions are dated to debut during October. Production activity, however, is likely to be speeded by then in light of the record number of shows presented in the strawhat theatres that are listed as Broadway possibilities.

Survivors Are Cleaning Up
Meanwhile, the survivors have been cleaning up. Long rainy spell kept a goodly percentage of late summer visitors in town and there was a trek to the boxoffices, result being sensational business for August. Attractions which were sliding jumped to virtual, if not actual, cash.

(Continued on page 52)

'Hellz,' Finishing 2d Year in B'way, May Run Another Season

'Hellzapoppin,' Winter Garden, N. Y., entering its third year on Broadway after this week, may run another season. That is the expectation of Olsen and Johnson on the strength of the boxoffice upsurge through August. Most performances last week played to staid attendance and there was a double line at the boxoffice Monday afternoon (Labor Day). Gross last week was \$30,000, which will be topped this week.

Regardless of the length of stay and plans for a film which will use the 'Hellzapoppin' title, O.S.J. being starred, Johnson is building a dairy farm near Carmel, N. Y., at an estimated cost of \$250,000. There are 65 men working on the job.

Monday (2), his daughter, June, departed for Hollywood under contract with Republic for four pictures. Engagement resulted from her former appearances. Miss Johnson was accompanied by her mother, Catherine, who will remain on the Coast for a month. Both were in 'Hellz,' as is Miss Johnson's husband, Jean Meredith. Latter remains in New York with their one-year old child.

Coast Group Defers To Theatre Guild on Title

Hollywood, Sept. 3.
British war relief goes on under a new title, The Players Theatre, after completion of the 'Tonight at 8:30' series at El Capitan theatre. Next production is 'Charlotte's Revue,' opening Sept. 20.

Changes in the title of the non-profit producing company, originally known as the Theatre Guild of Southern California, was the result of a protest registered by the Theatre Guild in New York.

History Put to Music

Hollywood, Sept. 3.
Curt Bois, currently playing the role of a symphony conductor in 'Hullabaloo' at Metro, is going back to the stage as producer and director of 'Thank You, Columbus,' a historical music revue.

Piece is slated to open Nov. 12 at the Hollywood Playhouse.

TOURING 'ROAD' TOPS BIZ OF B'WAY

Sensational business is being drawn by the road company of 'Tobacco Road' in New York neighborhood theatres, topping the takings of the Broadway company, which is still playing at the Forrest. Latter is advertised as being in its last weeks.

Though it played Brooklyn and the Bronx several times previously, the record-run drama has been switching back and forth between the two boroughs for the past month. In theatres operated by J. J. Leventhal on a stock basis, 'Road,' on its first recent date at the Windsor, Bronx, grossed \$7,500 at \$1.10 top. In Brooklyn, at the Flatbush, the gross was \$9,000. Drama played a second date at the Windsor last week and is currently at the Majestic, Brooklyn, 'Road' will play Newark, N. J., next week, thus completing the Leventhal Circuit, and then goes on tour. Extra matinees are played in the stock spots, scale being 50c top.

Last week, at the Forrest, 'Road' went up to around \$5,500. Management states that it will remain as long as a profit is earned, show having a low-cost operating unit which permits an even break around the \$30,000 mark, if not less. Possible that it will be moved to a smaller theatre and continued in New York indefinitely.

EVANS SET FOR ROLE IN HAYES '12TH NIGHT'

Maurice Evans will play Malvolio opposite Helen Hayes in the Theatre Guild-Gilbert Miller production of 'Twelfth Night,' which will open a five-week preliminary tour in mid-October, probably in Philadelphia. Other members of the cast so far set are June Walker and Sophie Stewart. Latter, an English actress, last appeared on Broadway in 'Disraeli' and has since been on the Coast for Metro. Miss Walker has been understudying Dorothy Stickney in 'Life With Father.'

Margaret Webster, who directed the Evans production of 'Hamlet,' 'Henry IV' and 'Richard II,' will stage 'Twelfth Night' and Stewart Chaney, will design the sets. Miss Webster, who returned east last week after several months familiarizing herself with studio routine in preparation for film-director berth at Paramount, is currently vacationing at Martha's Vineyard.

Understood that Evans, who has had his own management for the last few seasons, will not have a share of the production on 'Twelfth Night.' He is known to have been anxious to give up his managerial responsibilities for at least a season.

Texas Sees Romberg Operetta

San Antonio, Sept. 3.
San Antonio will see the southern premiere of the Sigmund Romberg Pan-American operetta, 'Nina Rosa,' on Sept. 6.
Presentation will be by the local Civic Opera Co.

MOST PRODUCTIVE SEASON TO DATE

20 More Rated Possibilities
Out of the 118 Presented
—13 Favored by Pix

B.O.'s SPOTTY

Summer of 1940 in the barn-belt theatres has been the most productive of Broadway possibilities than any season since strawhat presentations became an annual vogue. Of the 118 new plays and musicals tried out, 11 are scheduled for Broadway, while 20 more are rated as possibilities, with 13 among that combined figure favored by picture scouts for Hollywood, whether they reach the boards or not. The rise in Broadway possibilities has only been made apparent during the past couple of weeks, after the earlier part of the season had indicated no unusual promise.

This is far ahead of last summer at this time, when there was but one show from the sticks carded for Broadway. 'Life With Father,' The number of possibilities then totaled 10, of which six were regarded as picture material, out of a total of 85 tryouts. Two summers ago there were 140 new shows presented in the strawhat theatres, 12 of which were considered for Broadway, but few ever rang up. Those which did failed to click and about the same result applied to the previous years product.

Plays marked for definite Broadway showing: 'White Pony,' 'Second Helping,' 'Carriage Trade,' 'Private Confusion,' 'The Walrus and the Carpenter,' 'Johnny-Belinda,' 'Two Weeks With Pay' (musical), 'Mum's the Word' (Jimmy Savo's solo revue), 'Your Loving Son,' 'Fledgling,' 'Many Happy Returns.'

Four Tryouts This Week

In addition there are four plays being tried out this week, two scripts of which are well regarded. First is by Samson Raphaelson and a trio is by William Saroyan. They are: 'In My Opinion,' 'Something About a Soldier,' 'Sweeney in the Trees,' 'The Hero of the World.'

Plays that may reach Broadway but are not yet definitely set: 'A Man's House,' 'Mr. and Mrs. North,' 'Bangtails' (due after revision), 'Out of the Frying Pan,' 'Jeff Comes Home,' 'Not in Our Stars,' 'Romantic Mr. Dickens,' 'Crazy With the Heat' (musical), 'By Any Other Name,'

(Continued on page 52)

Sunday Shows, Pay Boost Questions Seen Decided by Equity in Late Fall

Two of the major issues being considered by Equity, Sunday performances and raising minimum salaries from \$40 to \$50 weekly, will probably not be disposed of until later in the fall. Both will likely be decided by referendum vote of the entire membership at the same time. The council could place both into effect and it had been indicated that it would do so. Upon further deliberation it was decided the moves are too important, if not controversial, to pass without membership vote. Should the council act without obtaining the sentiment of the membership, it is felt that criticism from the latter might result.

If the process could hardly be completed within 60 days, which would mean that the results would not be final until some time in November. It is known that there is a difference of opinion in the council over both proposals and that would indicate a similar condition among the members.

Equity leaders favored trying Sunday for an entire season after the stagehands and musicians agreed to

AGMA and the Italian Opera Singers Situation Stalls Met's '40-41 Plans

Pons' Drummer Role

Lily Pons starts next week to take drumming lessons in preparation for the part of a drum-majorette in 'The Regiment,' which the Metropolitan Opera will revive for her. Prima donna flew east last week to join her mother at her Silvermine (Conn.) home, after making several concert appearances on the Coast. She starts her winter concert season Sept. 28. Coloratura-soprano and her conductor-husband, Andre Kostelanetz, will guest on the first program of the new Ford program, Sept. 29. It will be Kostelanetz's first appearance on the show. He's currently scoring a puppet film for Paramount. He also has a new commercial radio series on the fire.

Edward Johnson, general manager of the Metropolitan Opera, back from a Canadian vacation, starts preening necessary for the Met's 56th season in New York. To date not single singer has been signed to a contract of the 100 odd who will appear at the house.

Both the drawn-out battle with the American Guild of Musical Artists, which recently ended in the first AGMA-Metropolitan contract, and the European war have seriously affected the Met's plans for its coming season. The Met, having secured \$1,000,000 plus from the public, will have all the necessary funds it needs for talent.

The Italian situation still remains unchanged, and it is not yet known which of the prominent artists of Italy will be available for the forthcoming season. These singers are among the Met's direct needs though the Wagnerian wing still remains the most popular with the promised return of Kirsten Flagstad.

The Met has been keeping an eagle eye on the Buenos Aires season in Argentina, the Italian season of which has just ended. The Italian government released a number of its singers for the season, including Galiano Masini, tenor; Ebe Stignani, contralto; Salvatore Baccolini, bass; Armando Borgioli, baritone; Bruno Landi, tenor; Tito Schipa, tenor, and Alexis De Rache, secondary tenor. Of these singers the Met is endeavoring to secure the first three, but isn't particularly interested in the others, all of whom were former members of the company.

Also in South America

Also singing in South America is a tenor named Mirasol, upon whom the Met is casting eyes. Other possibilities of foreigners in this country

(Continued on page 51)

2 PAY CHANGES INVOLVE AFM, ORCHS IN LEGIT

Two pay changes in connection with legit theatre orchestras have been decided on by the musicians union in N. Y. Contractors for the pit outfits are those concerned.

Rule is that the contractor for musical comedy receive 50% more than the scale for the men, who get \$80 weekly. It was found that the contractors are paying \$98 so, to conform with the percentage, they are now to get \$120. In straight show houses it was found that the contractor was being overpaid at \$89; as the men's scale is \$58. In such theatres he will now get \$84.

Scale for leaders of musical comedies is \$140 minimum but few conductors work at that figure, their pay being a matter of negotiation with the producer. Managers have no basic agreement with the musicians union, previous scales being used from season to season.

No Verdict Yet on Agcy.

Law Curbing Premiums

No decision has been handed down in the application for an injunction by ticket brokers restraining Paul Moss, N.Y. license commissioner, and Lewis J. Valentine, the city's police head, from enforcing the Mitchell law limiting the premiums on all tickets to 75c over the boxoffice price. Briefs of opposing counsel were filed with Judge J. Sidney Bernstein on Aug. 19.

Agency people took action because the law limits prices on attractions outside of legit, principally sporting events, fights, football and hockey in particular.

The ticket code limiting premiums on theatre tickets only will probably be continued through the new season. Feelerers were sent out to the brokers about again subscribing to the code. Half a dozen small agency operators signified their intention to do so.

Saroyan's Three Strikes and Out; 'Sweeney,' 'Hero' and 'Soldier' in 1 Wk.

digs a trench in his front yard and takes up arms against the world's political leaders. His adopted 11-year-old son goes to war with him. As father and son—the old and the young—build the trench, but not their military uniforms and defy the political warlords, the initial feeling that perhaps these two are crazy soon turns to the more uncomfortable realization that their foolishness is dwarfed by the "historical foolishness" of the world. With the assistance of a young newspaperman, a more candid disciple, they try to win more converts to their theory that nothing can

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(Continued on page 52)

Big Biz for 'Animal,' 'Ladies' Points Up B.O. Values of Maplewood Theatre

Maplewood, N. J., is by far the most alive summer spot in the metropolitan area, if not the topper of the eastern summer theatres. It has been most successful with original companies booked prior to regular road tours. For such showings the scale is increased somewhat, as with "The Male Animal," going there virtually intact from the Cort, N.Y., where it played through the season. Gross was rated over \$11,000 on the week.

"Animal" was billed as a Cheryl Crawford presentation at Maplewood, which ruled Herman Shumlin, the show's producer. He threatened to cancel the date but was mollified when the opening performance was a runaway. It was explained that it was necessary to use Miss Crawford's name because of the stock price under which the house is operated. John Wildberg, attorney, who has theatrical interests, is a partner with Miss Crawford in the Maplewood season.

Another unit show that played the spot recently is "Ladies In Retirement," prior to going to the Coast. Gilbert Miller, who presents the English matter, was so satisfied with the date that he plans trying "The Big Story" there. "Ladies" grossed \$7,500, said to have afforded a goodly profit. Business of both shows was considerably better than that drawn during the final weeks on Broadway.

M. L. Erlanger's Death Recalls Legal Battles Over Brother's Estate

Death of Mitchell L. Erlanger, 83, former N. Y. Supreme Court justice, in New York last Friday (30) recalled the legal battles started during the life of his brother, the late A. L. Erlanger, and the battle over his estate thereafter. Brother was head of Klaw & Erlanger, onetime vast theatre empire known as the "syndicate" when the Shuberts entered show business. All of those who were in the Klaw & Erlanger group are dead.

Judge Erlanger, said to have been furthered politically by the influence and wealth of A. L., retired from the bench, where he was regarded as an efficient jurist in 1927. He assumed presidency of the Erlanger interests in 1930, a few days after A. L. died.

In 1932, a long court proceeding was started by the former Charlotte M. Fixel, onetime showgirl, to establish her dower rights as Erlanger's common-law wife and the then surrogate, John P. O'Brien, ruled that she had that right.

Among the sensational revelations were various trips by the showman and Miss Fixel to Europe and Atlantic City, during which they travelled as man and wife. At the time of the proceedings when Miss Fixel fought for a share of the estate, there were clashes between lawyers Max D. Steuer, for the complainant, and Isidor J. Kresel, acting for the estate. Both are deceased, former having died last month. Bitterness between the attorneys was more intense when Kresel was disbarred, as at instance of Steuer it was alleged, but he was reinstated. Judge Erlanger became dissatisfied with Kresel's handling of the case and refused to pay his fee. Kresel sued and received judgement.

Regardless of all the litigation and the award granted Miss Fixel, who later married, she is not supposed to have received any money from the estate. About five years after she won the suit it was revealed that the estate was in the red for \$1,897,509. How much of that had been absorbed is not known. Report that the exshowman was once worth \$15,000,000 was evidently incorrect.

In recent years Judge Erlanger was inactive in the estate's affairs. It has been handled by Leonard E. Bergman, a nephew, and Marcus Heiman, formerly prominent in vaudeville circles, who bought in on the Erlanger theatres some years ago.

DOCS ORDER DULLZELL TO TAKE A LONG REST

Paul Dullzell, executive secretary of Equity, has been warned by doctors to slow up, or else. He recently took four days' vacation, entering the Medical Center, N. Y., for a thorough checkup. Three specialists in consultation ordered that he take a long rest. Important issues have kept him at his desk through the summer and when they are disposed of Dullzell will lay off for two months.

Dullzell has been Equity's sparkplug for years. Recently he passed his 66th birthday. About two years ago he was downed by influenza and never has been able to recuperate fully. Up to the time of that illness he had been in excellent health.

His attendance to his duties is held to be the cause of his present condition.

'FATHER' SOCKO 18G IN 28TH AT CHI

Chicago, Sept. 3. George Abbott moved up the opening of "Too Many Girls" at the Grand here next Monday (9) to last Saturday (31) in order to make the most of the Labor Day weekend.

"Male Animal" will come into the Selwyn here next Monday (9) and the Harris will relight on Sept. 30 with "Ladies in Retirement," which will be the first local show on the American Theatre Society subscription season.

Last week found only one show in town but that one was a lion in its 28th week. "Life With Father" played to capacity (\$17,900) in the Blackstone as the show goes into the second half year. Now looks for long stay at the current pace.

DOWLING URGES A.C. TO BUILD 'PROPER' LEGITER

Atlantic City, Sept. 3. Eddie Dowling, who premed his "Little Dog Laughed" in the large Garden Pier theatre here three weeks ago, sent a letter to Mayor Tom Taggart last Thursday (29) urging this town's moguls to build an intimate theatre for legit tryouts.

"I will never play A. C. again," wrote Dowling "until there is a proper and up-to-date theatre to house a big show. Do this, Mr. Mayor, and you will again have the most attractive tryout spot in America. Build me a theatre with 1400 seats and I will lease it from you and see that you get all the big tryouts."

Apollo theatre, where legit held forth years ago when A. C. was the country's biggest tryout spot, is now a film house, with its apron removed.

Garden Pier theatre is considered by some to be too large for legit acoustics. Also, on warm nights when doors have to be opened for air, actors have to compete with ocean roar.

Paul Arnsvalde, manager of the Shelburne hotel, started campaign for erection of a better theatre couple weeks ago.

Coast Negro Revue

Los Angeles, Sept. 3. "Ship of Zion," an all-Negro musical revue, opens Sept. 11 at the Mayan theatre, with Clarence Muse producing and directing.

Cast is made up of Negro motion picture players, members of the Screen Actors Guild, numbering 125.

Shows in Rehearsal

"George Washington Slept Here"—Sam H. Harris.
"Journey to Jerusalem"—Playwrights.
"Panama Hat"—Buddy DeSylva.
"Johnny Belinda"—Harry Wagstaff Gribble.
"Jupiter Laughs"—Barney Klawns.
"Life With Father" (Boston Co.)—Oscar Serlin.
"Man Who Came to Dinner" (road)—Sam H. Harris.
"Pins and Needles" (road)—Labor Stage.
Gilbert and Sullivan rep.—Herman Levin.

'WALTZ' BESET BY RAIN, 48G INST. LOO

St. Louis, Sept. 3. The 22nd season of al fresco entertainment in the Forest Park playhouse sponsored by the Municipal Theatre Assn. wound up Sunday (1) with the "Great Waltz," beset by rain on three nights, finishing a week stand with an estimated gross of \$48,000. Wow mob of 11,033 hung up all-time high attendance for a single performance on closing night, more than 3,000 being turned away.

House was completely sold out for entire run despite the weather and thousands paid 50c each for standing space on the lavas adjacent to the reserved sections. Because the opening night's performance was rained out after the first act, the management skedded a midnight performance for Saturday (31).

It was the second time in the history of the organization that two performances were presented in one night. The first being "Roberta" in 1935.

After the first show (31) an army of flunkies conducted a blitzkrieg in cleaning up the huge amateur theatre while squads of cops held the late customers in hand until the OK signal was flashed. Bus company prolonged its sked to the theatre to accommodate more than 7,400 paygoes. A hot meal was served to more than 400 performers, gripmen, ushers, etc. between shows.

In 1937, "Waltz" presented for the first time here, drew 68,200, and its popularity still remains high as evidenced by the 70,131 that turned out this year. This was the third highest weekly attendance in the history of the organization.

Arthur Kent and Helen Marshall, in the romantic roles, neck-and-necked with Gladys Baxter, Robert K. Shafer, Joseph Macaulay, Ruth Urban, Vivien Fay, Al Downing, Douglas Leavitt and Stanley Harris for plaudits. Heavy and additional newspaper publicity on performances on Tuesday and Wednesday being completed, although temporarily halted by rain, caused sellout by Thursday (29). It was one of the biggest money weeks several seasons.

Spooner, Press Agent, Producing B'way Play

Fred Spooner, Broadway press agent, will become a producer during the fall, play being by Vincent O'Connor. It was first called "Fanciful," new title being "A Bed for Goldlocks."

He has two other scripts for consideration but intends continuing as press man.

Engagements

Rags Ragland; Elaine Sheppard, Tiny Pearson, "Panama Hat."
Claire Woodbury, Valentine Vernon, Ralph Cullinan, Judy Blake, Bram Noss, Jack Lynds, Johnny Belinda.
Sidney Lumet, Arlene Francis, Colvin Thomas, Arnold Moss, Frederic Toxer, Alice Reinheart, Peter Fernandez, Charles de Sheim, Robert Williams, George Mathews, Ronny Liss, Helen Zelinskaya, Terry Harris, Byron McGrath, Charles Ellis, George Fairchild, Benjamin Kau.
David Leonard, Paul Penge, James Gregory, Joseph Wiseman, Albo Manson, Fay Baker, Sidonie Epner, Arnon Ben-Ami, Jeannette Chitiley, Henry Lacoe, Edwin White, Joseph Krumm, Henry Walden, "Journey to Jerusalem."

Broadway Continues Socko B.O.; 'Hellz' \$32,000 Presses 'Purchase' 33G for Lead, 'Father' Soars to 19G

'SKYLARK' HOT \$12,000 IN 5 SEATTLE SHOWINGS

Seattle, Sept. 3. Visit of William S. Knudsen, chief of the U. S. defense program, to the local Boeing aircraft plant, brings to limelight the Seattle is going to profit through employment brought about by the armament program. Coincident with his visit and already demonstrating that road, leg is going to benefit locally from such activities is the neat \$12,000 take for "Skylark," at five performances (two of them matinees) at the Metropolitan with Gertrude Lawrence starting, last week.

Miss Lawrence also went overboard for British war relief fund, selling cig cases, emblems, etc., for grand total of over \$1,000.

"Skylark" is first legit show to light the Met in months, and marks early opener of what looks to be an active season.

WEATHER HELPS 'HATS,' 25G IN PHILLY

Philadelphia, Sept. 3.

Good weather and rain drove a lot of Philadelphians home from the resorts last week and kept many others from going. The result was a great break for Philly's first show of the legit season. The result was a big but not sensational \$25,000 for Al Jolson's "Hold On To Your Hats," which opened Tuesday night (27) at the Forrest. Show's local premiere was much better than many of last year's first-nights. To make up for missed Monday nights (28) show, management installed an extra matinee Thursday (29).

Jolson definitely decided to limit local stay to two weeks and leaves after Saturday (7). Usual Wednesday matinee this week was switched to yesterday (Friday Day), with attendance good.

Next Monday (9), the Locust rights with the new "Pins and Needles" for two weeks. On the 16th, Ed Wynns' "Boys and Girls Together" comes to legit. Forrest for fortnight. Katharine Hepburn is skedded for a return engagement in "The Philadelphia Story" here some time this month. Available houses could be located on the 24th or Forrest on 30th. Latter date was reported for Helen Hayes' revival of "Twelfth Night." The indie Erlanger still has nothing to report.

AGMA-Opera

Continued from page 49

are Suzanne Sten, French contralto, and Elsa Zebranska, soprano, both of whom will appear in the Los Angeles and San Francisco seasons.

The repertoire will be enriched with revivals in novelties, some of which now under consideration are "The Girl of the Golden West," for Jussi Björling, Lawrence Tibbett and Marjorie Lawrence or Helen Jepson; "Don Carlos," for Giovanni Martinelli, Ezio Pinza and Bruna Castagna; "Turk in Asia," for Martinelli, Elisabeth, Reiberg, and Pinza; "Daughter of the Regiment" for Lily Pons, Armand Tokatyán and John Brownlee.

Operas generally in the repertoire, but which were missing last season, such as "Pagliacci," "Cavalleria Rusticana" and "Trovatore" will be revived with new scenery, new sets of singers, and more modern production. Mozart, which for the half century of his existence had never drawn considerably, will be kept in the regular repertoire with "Don Giovanni" and "Le Nozze di Figaro," and a possible revival of "Così Fan Tutti." The balance of the singers will be made up of those foreign artists who have taken up permanent residence here, plus a new crop of Americans. This season will, without doubt, have more Americans singing leading roles at the house. Also, the percentage probably approximating 75% of all singers, including native born and naturalized artists.

Estimates for Last Week Key: C (comedy), D (drama), R (revue), M (musical), F (farce), O (operetta).

"Daddy Was a Lady," 46th St. (30th week), \$75,240. Business so much improved that show may move to another theatre instead of touring when "Panama Hat" is ready for this spot; bettered \$24,000; long rainy spell further benefited all survivors.

"Hellzapoppin'," Winter Garden (102d week) (R-1,671; \$3,300). Figuring on staying beyond New Year's; mecca for visitors; gross last week went to \$32,000 and will top that level this week with an extra performance.

"Life With Father," Empire (43d week) (C-1,095; \$3,300). Bounded back to city business; takings virtually \$19,000; sell, 64 standees at last Wednesday's matinee; third company to open in Boston now rehearsing.

"Louisiana Purchase," Imperial (14th week) (M-1,450; \$4,400). List leader given close contention by "Hellzapoppin"; last week's hold to standee business; rated more than \$33,000.

"Man Who Came to Dinner," Music Box (46th week) (C-1,102; \$3,300). Made strong comeback; gross close to \$18,000; or 100% more than its low week during July; run extended into September.

"Separate Rooms," Plymouth (23d week) (C-1,107; \$1,100). Last week best grossing opening, with takings approximating \$11,000; previous week over \$7,000 was under-estimated; standees Monday afternoon (2).

"Tobacco Road," Forrest (278th week) (C-1,107; \$1,100). Still advertising last weeks but engagement may continue indefinitely; up somewhat last week; \$5,500; makes fair money at that level.

Revival
"Kind Lady," Playhouse (CD-865 \$3,300). Presented by William A. Brady with Grace George starred; opened Monday (2).

Suspended
"Keep Off the Grass." Resumption appears to be doubtful.
"The K. K. K. Night." Alvin; resumes for one month starting Monday (9), then tours.

Temp. Receiver Set For Embre, Sued for 15½G; Artists File Squawks

A temporary injunction was granted against the disposal of any assets and a temporary receiver was appointed last week for Embree Concert Service, Inc., in connection with a suit for \$15,500 against the concert bureau and its president, M. K. Embree, by Nathaniel Outright, Smith and Federal Judge Murray Hulbert in N.Y. made the decision.

Smith claims he advanced \$15,500 to the defendant corp. and accuses Mrs. Embree of having looted the company, converted corporation monies for her own use and failed to give the proper financial status of the company. Judge Hulbert set Oct. 1 as date for a hearing, at which time it will be decided whether or not to make the receivership permanent.

Smith also asserts that Embree has either failed to pay off or has borrowed without returning, over \$50,000 from artists. Numerous affidavits are filed upholding his contentions, three of the most important being from Fray and Braggiotti, piano team; Maria Carreras, pianist, and Cornelia Ott Skinner.

'Lady in Waiting' Set For Tour of Key Cities

Tour of "Lady in Waiting," which Brook Pemberton presented at the Martin Beck, N. Y., last spring, is now definite. Comedy will play the key cities starting Oct. 7, bookings now being arranged. "Lady" had a major engagement last fall, season arrival on Broadway proved a handicap.

Show will again star Gladys George, who's on the Coast presently. She advised the manager last week that she would make the tour, Pemberton declining to send the show out with another lead.

Broadway

Wife of Jim (Dinty) Moore in serious condition.

E. Ray Goetz due cast. He's with Myron Selznick.

David Palfreyman, assistant to Will Hays, back at his desk.

Rosalind Russell in N. Y. from Coast for a vacation and rest.

Harry Carey has leased an estate at Great Neck for the winter.

Widow of William Oviatt reported destitute, although she has wealthy in-laws.

Allen Schneebie to manage refurbished Lyceum; Irving Morrison, treasurer.

Charles E. McCarthy back at his 20th-Fox desk after a quick vacation at Cape Cod.

Frank Scully in town with the Mrs. on writing commitments. First trip east in many years.

A. Sindinger, March of Time ad publicity chief, back over weekend from swing through south.

Annabella (Mrs. Tyrone Power) back to Coast after recuperating from an operation in New York.

Photo of Dan Parker in Mirror promotional ad shows him as exponent of one finger touch system on typewriter.

Leon Spachner again back with Chicago company of 'The Man Who Came to Dinner,' which starts touring late this week.

Max Allenack, formerly with Irving Yates office, company manager of 'Crazy With the Heat,' due on Broadway after revision.

W. P. Montague, Paramount News assignment editor, taking rest cure at Martha's Vineyard, but back last week for two days on the reel.

Irving Berlin the guest of honor Sept. 9 at Waldorf by National Committee for Music Appreciation which gave him annual award for 'God Bless America.'

Joe Brown, Jr., youngster who plays opposite Joan Blondell in 'Tuesdays,' back to home town (N. Y.) for visit. His dad is stage carpenter at Radio City Music Hall.

Bennett Cerf, head of Random House, and Phyllis Fraser, stored in radio department of McCann-Erickson, to be hitched Sept. 17.

She's also a cousin of Ginger Rogers. Arguing about a customer's return policy who are overly enthusiastic pro-Willkie or Roosevelt are given the brush by waiter-captains who have coincidental campaign buttons underneath their jackets. 'One even has a Brower emblem.'

Grace Moore goes to the Coast this week to guest-solo at the closing concert of the San Francisco Fair.

Sept. 10. Goes from there to Havana for two dates, due back in New York the end of the month. Starts her fall concert tour in mid-October.

At the Harvard-Bath-Madison Sq. Garden last week before an audience of 20,000, and with many show people present, News columnist Ed Sullivan salvaged Billy Rose as the No. 1 showman of today, upon whom has fallen the mantle of P. T. Barnum.

Madrid

By Joseph D. Ravotto

Soprano Mercedes Capriz off to Rome.

Helen Hiatt of NBC arrived to do broadcasting.

Singer Luisa de Alvarado arrived from Buenos Aires.

Not a drop of beer to be had in Spain in the last couple of months.

Jose Gaspar left for Barcelona to direct 'Sol de Valencia' ('Sun of Valencia').

Imperia Argentina and Rafael Rivelles off to Rome to appear in fascist pict.

Enjoying 12-week record run is Mexican pict, 'Rancho Grande' at showcase Imperial.

With paper crisis over, newspapers, which formerly limited to six and eight pages, will shortly receive okay to expand.

German orchestra leader Richard Klatowsky arrived to pick up Spanish symphonic numbers for concerts and radio broadcasts in Germany.

Early appearance of musical comedy 'El Rey del Azucar' ('The Sugar King'), with script by Ramiro Ruiz and music by Michel Guerrero, is set.

Projected films are 'Gracia y Justicia' ('Grace and Justice'), by Antonio Quintero, piloted by Julian Torremocha, and 'Bequer,' megged by Edgar Neville.

Spaniards in foreign tourists are entitled to two packages of cigars per week in Spain, although no limit to amount that can be purchased from bootleggers at stiff prices.

American films presently showing in Madrid include 'Yank at Oxford,' 'Susan Lennox,' 'Under Two Flags,' 'Test Pilot,' 'Confessions of a Nazi Agent,' 'Mad About Music,' 'A Day at the Races' and 'Smilin' Thru.'

Latest French pictures showing include 'Serenade' with Louis Jouy and Lilian Harvey, and 'Abus de Confiance,' with Danielle Darrieux.

Latest Italian pict is 'Luciano Serra, Pilota,' with Amadeo Nazzari.

Latest local pict is 'Isabel la Católica' ('Isabel the Catholic'), at the Fontalba, by Martin Orbera.

Enrique Rambal and Carmen Sanchez in the leads. Other opening comedy, 'La Tarara, Si, Gayety?' Why

Sure!,' at the Calderon, by Ramon Ruiz.

United Press has reorganized its Madrid staff with three new American staffers, including Roscoe Snipes, who came from Buenos Aires; Gar-

ran McGroarty, from Amsterdam, and a third from Paris. Only other American pressmen in Madrid are

John McKnight, Associated Press; Maurice English, Chicago Tribune, and Tom Hamilton, New York Times.

Presently being shot in Spanish studios are 'El Famoso Caballero' ('The Famous Jackass'), comedy by Adolfo Borradon, with Fernando de Cordoba, Maruchi Fresno, Luchi Soto and Laura Pinillos in leads; 'En

Poder de Barba Azul' ('In the Power of Blue Beard'), based on a novel of the same name by Maria Luisa

Tinanes; directed by Jose Busch; 'La Florista de la Reina' ('The Queen's Florist'), directed by Eusebio Fernandez Ardevin, with scenario by Rafael Gil, featuring Ana Mariscal; 'El Milagro del Cristo de la Vega' ('The Miracle of the Christ of the Plain'), directed by Adolfo Aznar.

Minneapolis

By Les Rees

Ted Lewis penciled into Orpheum for Sept. 13.

Sylvan Left, Universal salesman, in Asbury hotel, seriously ill.

LeRoy J. Miller, Universal branch manager, Chicago for sales conference.

Choirman, United Artists' salesman, convalescing after appendectomy.

Herb Blass, Warners office manager, on northern Minnesota fishing expedition.

Maurie Abrams, vet. M-G. exploiter, under doctor's care following gall bladder attack.

Norma Hume, Ringier circus trick rider, recuperating from broken leg at St. Cloud, Minn., hospital.

Twin City Variety club members at Breezy Point, Minn., resort this week for club's golf tournament.

W. A. Steffes preparing to leave his northern Minnesota home for Florida or California, where he'll spend the winter.

Originally scheduled three-week engagement of Freddie Fisher's 'Schneickelritze' band at Happy Hour now in third month and to continue indefinitely.

20th-Fox district manager, in Chicago to conclude three-year franchise with Minnesota Amus. Co. and starts this week on second S. R. Kent drive tour.

Pittsburgh

By Hal Cohen

It's a boy at the Eddie Macsinks. Pop's head night shipper for Metro.

The Dick Rauhs to Westport, Conn., to spend a couple of days with the Fritz Reimers.

Joe Waller will put Eddie Peyton's new tune, 'Hey, Stop Kissing My Sister,' on wax.

Alex Kann, sketch writer and lyricist, in from New York for a short visit with his family.

Bill Frederick flew in from the east last week for a brief session with Lawrence Welk.

Eva (Paul) Reyes flew to Detroit over the weekend to see her sister and new nephew.

Rufus Blair of Par due in this week-end on his annual good-will tour of the drama decks.

Fred Burleigh gets back from Cohasset, Mass., in 10 days to launch Playhouse's new season.

Smiley Burnette and his troupe booked for a one-day stand at Kenwood Park Sunday (8).

UA salesman Harry Rees lost his brother, Bronson, former sandlot baseball star, last night.

Variety Club's Legion Post awarded third prize and silver plaque for Americanization Day showing.

Fox Channel Playhouse wound up first summer season Saturday (31) with 'You Can't Take It With You.'

St. Louis

By Sam X. Hurst

George Givot and Carl Ravazza's band current at Chase Club.

Faulstich, manager of the Municipal Theatre Assn., in hospital for operation.

Philip Smith, Boston, prez of Mid-West Drive-In Theatre, visited here in Joe DesPeres, Mo., open-air talker.

John Ward, business manager for the Municipal Theatre Assn., has returned to head the b.o. at the Municipal Auditorium.

Kurt von Forstmeier, former gabber for NBC, teaching Viennese waltzes to femme pupils at Stephens College, Columbia, Mo.

William Zalken, publicity and advertising director for the St. Louis symph society and the Municipal Theatre Assn., in local hospital for minor repair.

Maureen O'Hara and Lucille Ball, starred in 'Dance, Girl, Dance,' made three appearances at the Fox theatre in the film.

O. F. Lessing, former local branch manager for Judell, has entered the indie film field on his own. He has teamed up with company Variety Pictures and is located on film row.

In Mexico

By Robert J. Landry

Beatrice (Mrs. A. B.) Marcus turned composer wrote 'Alopes Divinos' for third bill of her husband's revue at Palacio de Bellas Artes.

Kurt Weill, the composer; Ben Grauer, the radio announcer; here from New York. Grauer disembarked at Yucatan, saw the pyramids, flew in.

They're still talking about the way Sally Rand had her chorus girls paint the dressing rooms and put up cretonne curtains when she played here in the Lirico.

Huan Loyo, an executive of the Ritz hotel here, is the brother of Angelita Loyo, the Spanish singer, who lives in New York and is the wife of Bill Marshall, NBC director.

Tourists were ga-ga recently when they bumped into honeymooning Loretta Young and Tom Lewis. Miss Young 'discovered' Mexico as a vacation spot some time ago.

Pep-slowing altitude (7,000 feet) was tough on the acrobatic turns with the Marcus show the first week. These include 'The Jigaws,' Jack Holt, Princess Hin-Low, Jarada.

Regine and Stanley, American dance team driven out of Europe by the war, are at El Palcio's town best (no argument) nitery. Aquilino, Cuban saxophonist, also on bill.

One 'Bill' Wells, of Cavalcade Productions, advertised in local press for capital to make travel films about Mexico for U. S. A. exhibition. Gave P. O. box address in Hollywood and San Antonio.

Pan American stock company (in English) will close its tourist season with S. N. Behrman's 'The Second Man.' Tiffany's \$50,000 glass curtain at the Palacio is illuminated between acts at Pan American performances (Saturday matinees only) as an added tourist attraction.

One chorus girl is excused each Sunday from the 4 p.m. matinee of the Marcus show in order to attend the bullfights. Girls are being rushed by the market and Mexican cosmopolites generally. And do they like it? A sad note is the confinement of one of the girls in the hospital with scarlet fever.

Lloyd Egner has a party of recording engineers in Mexico City making test records of Mexican music for the NBC Thesaurus library. They are working through and at XEW, owned by Emilio Azcarraga, who has the RCA franchise in Mexico and also owns the Alameda, newest of the large film houses here.

Mary Cortes, Argentinean soubrette who appeared at the Beachcomber cafe in New York last winter, and her husband, Fernando Cortes, singer, are at the Folies Bergere theatre, which specializes on satirizing Mexican politics. Cortes has appeared much in Spain, although born under the American flag in Puerto Rico.

Atlantic City

Globe theatre, only burlesque house in A. C. closed for season Monday night (2).

Edward Browning, Jr., new announcer for WBAB, was former program director of WDEL, Wilmington.

Blind Artists gave seventh annual concert Thursday (29) at President hotel. Sponsored by A. C. Lions Club.

Richard and Diane Townsend, dancer, did one-night stand at Traymore hotel's Stratosphere Room Saturday (31).

'Steel Pier Day' celebrated by A. C. Rotary club at luncheon Thursday (29) on Steel Pier. Program made up of vaude acts from pier.

Vincent E. Speciale's orch gave final summer Sunday night (1) concert. School Auditorium, with Alice Burch as guest soprano.

Martin Burns headed Labor Day weekend bill at President hotel's Round-the-World Room. Callahan Sisters, Eddie Mennetti and Johnny Hagg's orch completed bill.

Julian A. Hillman, general manager of Hotel Chelsea, on boardwalk for past six years, will hereafter manage Don CcCar hotel, near St. Petersburg, Fla., during winter.

Glenn Miller's orch played three-day engagement at Steel Pier (29-31). Little Jack followed Miller on Tuesday for six days. Giv. Lombardo will play one day Saturday (7). Jack Torjorden ended week with Friday (30).

Kay Thorne, who lost her job as actress with Mae Desmond Players when latter turned out in the Ventnor Pier five, and had just landed

another job as woman's page and amusement announcer for local WBAB, was struck by an auto while waiting for a trolley Wednesday (28) and is now in City hospital.

London

Lucien Samett is now a promoter of wrestling matches.

Joe Tunbridge, Jack Waller's collaborator, has nervous breakdown.

After 15 years in the London Palladium, the Sherman-Fisher' gai troupes are out.

Willerby's bottle party club, which closed recently after losing \$20,000, reopened as restaurant with floor show.

Jack Buchanan sponsoring farce, 'The Body Was Well Nourished,' which after tour in provinces comes to the Lyric for West End run.

Lou Jackson, chairman of Anglo-American Corp., placed on directorate of British-National Films. Latter releases its product through A.A.

Phil Samuels is no longer production manager for Gabriel Pascal. His place has been taken by Stanley Haynes, formerly with Paramount.

Jack Davies was to have been given vaudeville with amateur presentation in opposition to Lewis, have made up.

For first time in his career, William Mollison is producing play for George Bernard Shaw's 'The American Oldie,' 'Smilin' Thru,' which opens in the sticks end of August.

Arthur Greenspan, formerly sales head of Associated British and more recently with 20th-Fox, has been appointed district manager of Pathe Pictures, subsidiary of A.B.

Charles Henry has been brought back by George Black from managerial position of Hippodrome, Brighton, and put in charge of all of Black's production, a position he occupied before.

New war regulation bars theatre bills in suburbs and provinces from carrying name of location of theatre. Instance, Stoll's house in Chiswick, for years the Chiswick Empire, now billed as Stoll's Empire.

Malcolm Roberts, formerly director and general manager of National Provincial Astoria, which was absorbed by the Associated British, has joined the Granada Picture circuit in a managerial capacity.

Red Davis, local film director, taking out vaudeville unit, 'How to Be a Film Star,' in which he will use makeup men and stage members of the audience. Show opens for Hyams Bros., with General Theatres Corp. to follow.

Union Cinemas Ltd. reveals operating profit of \$781,600 for year ended December last. After allocations for tax, interest and reserve, net of John Maxwell chain emerged at \$48,452. Plus amount left over from previous year, UC carried forward \$161,696.

Tom Arnold and Harry Foster's 'Sunny Side Up' on a 20-week provincial tour, in General Theatres Corp. and Moss Empires, opening Finsbury Park Empire Sept. 9, with Max Wall in Stanley Lupino part and 'Beryl' Orde playing Florence Desmond role.

Blackpool's Own Band Waggon, the Jack Taylor-George Black show at the Opera House, Blackpool, for the summer season, failed to draw an opening despite big cast head by Arthur Askey. Latter reputed getting \$3,000 per week. Title changed to 'Show of 1940,' and is now packing in on Reason for lack of support.

That 'Beryl' Waggon, although a valuable radio name, has been around Yorkshire and Lancashire for a couple of seasons, and visiting yokels thought they were getting same show.

Stroudsburg, Pa.

By John Bartholomew

Second time in 22 years that great West End Fair rained out.

Violet Clark made some of her masks for Skypop's 'Skyrackets.'

Penn Hills Lodge opened late in season with Ken Riddle's band.

Former exhibitor William Blumenberg discharged from General Hospital.

Frederick Sittig of Sittig Trio, covering from illness at home. Neola.

'Boom Town' at raised prices held over at Sherman. First time in years for a holiday there.

Bernie Whitman's band with Peggy Cannon continue at Johnny DeSanto's Pocono Summit Inn until late fall.

Dick Jones, Frances Clair and Babs Roth with Ray Baylor's band in new floor show at Columbia Hotel, Columbia, N. J.

Carnivalman Lloyd H. (Dutch) Adams escaped wild scratches when his new Piper-Cub crashed when striking light wire. Pilot more seriously hurt. Used plane for advertising purposes.

Hollywood

Lester Ziffren back to work after illness.

Jack L. Warner returned from Honolulu.

Bud Abbott leased Vic Dalton's valley home.

Horace MacMahon returned from Skowhegan, Me.

Charles Brown leaving for England to join the army.

Helen Jepson sustained arm injuries in motor crash.

June Broder changed her film name to Joan Brooks.

Vera Lewis celebrated her 47th year in show business.

Mary Carlisle to Chicago to open a stage at Lyons looking over the town for New York Post.

Irving Lesser, in from Broadway to visit his brother Sol.

Charles Einfeld shot a hole-in-one on the Del Monte link.

Charles D. Preman here for studio huddles at Universal.

Ben Bernie spending his vacation here with his son, Jason.

Leonard Koenig over the town for New York Post.

Barbara Stanwyck back to work after minor eye operation.

Charles A. Rogers to Coronado following motor operation.

Myrna Loy vacationing in her home town, Helena, Mont.

Jerry Dale checked in as publicity director for Alexander Korda.

Milton Krims touring South America to study picture conditions.

Wayne Morris out of the hospital, but still limping after motor crash.

John Murray Anderson rented a house in Beverly Hills until October.

Baby Sandy made honorary chief of the South Pasadena Fire Department.

Signe Hasso arrived from Sweden after a roundabout trip to avoid war zones.

Ernst Crosby entered National Amateur golf tournament in New York.

James T. Mangan in from Chicago to establish a local office for Mills Novelty.

Louis B. Mayer awarded the Gold Citizenship Medal by Veterans of Foreign Wars.

Allan Jones and Irene Hervey cruising on a chartered yacht in Mexican waters.

Harry M. Warner was awarded a medal for Americanism by Veterans of Foreign Wars.

Dorothy Lamour to New Orleans to appear in benefits for victims of the recent hurricane.

Al. Farnham, based in as publicity man for RKO Hillstreet and Pantheas theatres, succeeding Tommy McLeod.

Nancy Kelly moved into the cast of 'Caribbean Holiday' at Universal, replacing Virginia Bruce, who withdrew on account of illness.

Richard Connell and Gladys Lehman back from London where they conferred with Bert Wheeler on the script of his forthcoming Paramount picture.

Australia

By Eric Gorlick

Sydney, Aug. 14.

'Mortal Storm' looks set for good run in Sydney for Metro.

Continuous charity drives for war purposes are still zeroing with trade.

Extensive drought in New South Wales causing farmers' amusement patronage.

Bob Parrish, U. S. colored singer, has been set by the Watermans for a season in Adelaide.

Following heavy protests by Metro, The Aspathe has okayed 'Strange Cargo' after some snipping.

Williamson-Tait will bring into Sydney 'Joe Folliotes of 1940' for legit run bid. 'Snow fared only so-so in Melbourne.

Charles' Aunt sock-in in Sydney. Anticipated by Martin-Fuller-Carroll that nine weeks will be gotten with only one difficulty for legit hit.

Royal Fair, usually run every Easter in Sydney, will not be held next Easter owing to fairgrounds being taken over by the military.

'Wind' on second release for Greater Union here, is admission-scaled 15c lower than when first played by Hoyts and Metro. 'Bis is covered by the military.

Wallace Parrnell's 'Crazy' show at Tivoli, Sydney, a decided click. Acts include Bob Dyer, George Wallace, Johnny Howard, Edwin Styles, Les Fins, Gilmore and Wells, Takiers, and Majorie Lou.

A. Coppell, author of 'I Killed the Count,' has arrived here from London. Believed that Granet Carroll in association with Sir Ben Fuller, may arrange dates for some of Coppell's new plays in this spot.

Metro execs said to be keen to arrange deal throughout New Zealand run for 'Wind' roundabout within the next few weeks. It's indicated that a deal will be set with a major local satisfactory terms for the territory.

Syd Gresham is dicker with Greater Union to release 'Convoys' (A.P.A. at state) for extended run. War and propaganda bias have not been at all successful in this zone, but if a deal is set, that angle will be wiped out with this picture.

OBITUARIES

GIULIO GATTI-CASAZZA

Giulio Gatti-Casazza, 71, former impresario of the Metropolitan Opera in New York for 27 years, died at his home in Ferrara, Italy, Sept. 2. His death was followed by a few months that of his wife, Rosina Galli, former ballet mistress of the Met.

Gatti had been prominent in opera and music for over 40 years, being personally acquainted with the leading figures of the operatic and concert stage. He retired from the Met in 1935, and with his wife went to his home in Ferrara, where they enjoyed quiet and rest. Her death last April is believed to have left him despondent.

Despite his severance of active association with the Met, he was frequently asked advice on matters pertaining to the Met by Edward Johnson, the present manager, who visited him several times at his Italian home.

AMY INCE

Mrs. Amy Ince Whittier, retired actress who appeared in stock and vaudeville more than a generation ago, died in Belfast, Me., Aug. 26, after a long illness. Known professionally as Amy Ince, she was the widow of the late Frank L. Whittier, with whom she became acquainted while both were playing in a traveling stock company at Port Jefferson, L. I.

After their marriage the Whittiers always acted together. They toured in such stardoms as "Betty the Sewing Machine Girl," "When Women Love," "Under the Gaslights,"

gained consciousness. In addition to the N. Y. broker's office, Ferrone had a refreshment concession at the World's Fair. For some years, he also operated a restaurant in N. Y., but not recently.

Widow, son and a married daughter, all living in Forest Hills, N. Y., survive.

JAMES T. FAY

James T. Fay, 63, one of the owners of the Fay chain of theatres in Providence, Philadelphia and Rochester, N. Y., died of a heart ailment while attending Narragansett Race Track Saturday (30). Fay was associated with his brothers, Edward M. and Bernard E. Fay. Deceased was well known as a musician, having been associated with the business since starting his own band as a youth.

Besides his brothers, he is survived by widow and three sisters.

ALFRED GROSS

Alfred Gross, 87, died at a London nursing home Aug. 8. Born in Tomaszow, Poland, he went to England when 18 and was naturalized 52 years ago. He was one of the pioneers of the Jewish theatre movement in England, introduced Anna Held from Paris and Jacob P. Adler from Warsaw to London audiences.

Gross had not been connected with show business since 1895. He was father of Bert Ross, London trade paperman.

HARRY DOUGLAS

Harry Douglas, 46, night club operator and for some years lessee of

died suddenly at his home in that city last Wednesday (28).

John Roy (Jack) Orden, 38, London theatre publicist, died in London of pneumonia Aug. 8, after a brief illness.

'Major Barbara'

Continued from page 2

clared, as it considers 'Major Barbara' war effort. Among other things, it will increase Britain's dollar holdings in the U. S. Among the leniencies shown Pascal has been restoration of the petrol allotment to the producing company. After the war started it was reduced from 2,000 gallons a month to 200, and is now back at the original figure.

Outdoor shots have been particularly hardship. Miss Baldwin said, the company having to be transported more than 100 miles to get out of range of the constant airplane noise. It took days, she declared to get a needed shot of the Tower of London and, even so, part of the balloon barrage shows in the print. Although this is an anachronism, Pascal is leaving it in as he feels it is of so much interest.

Miss Baldwin had plenty of personal troubles, too, because she is a U. S. citizen, thus classifying as an alien in England. She had to be in at 10:30 every evening and it was only through all sorts of string-pulling she was enabled to get permission to continue driving her car after the war started. She had to make the 45-minute drive from Denham to London each evening in complete darkness. Several times she was midway at the 10:30 curfew time. Inasmuch as there was nothing else to do, she continued on, although an alien without proper papers out past that time is as liable as not to get shot the spot or, at least, be jailed.

'Devil's Disciple,' next on Pascal's slate, but when it will be made depends on the war. There's a possibility Pascal may film it in the U. S. Also on the sked are 'St. Joan' and 'Doctor's Dilemma.'

MARRIAGES

Beta Rothafel Bijur to Lawrence H. Levy, in New York, Aug. 28. Bride is daughter of the late Samuel Rothafel (Roxby); he's son of former Borough President of Manhattan Samuel Levy.

Gwen Williams to Norman Foley, in Peekskill, N. Y., Aug. 31. Groom is professional manager of Witmark music publishing firm; bride is vocalist on NBC.

Vivien Leigh to Laurence Olivier, in Santa Barbara, Aug. 30. Both are stage and screen players.

Ruth (Bunt) Fabian to Bud Kessler, in Salt Lake City. She's continuity writer and women's commentator for KUTA, Salt Lake.

Marjorie Svehla to Roscoe Mulholland, in Detroit, Aug. 18. He's announcer at WXYZ, Detroit; she's member of studio's dramatic staff.

Zan Joyce to Douglas Kingsley Thompson, in Yuma, Ariz., Aug. 31. Bride is jazz player.

Bernard J. Johnson to Lloraine Harris, in Cincinnati, Sept. 1. He's an announcer on WCKY, Cincy.

Iris Meredith to Jack Otterson, in Las Vegas, Nev., Sept. 1. Bride is film player; groom is art director for Universal.

Rosemary Claypool to Kenneth Young, in Kansas City, Kansas, scheduled for Sept. 6. Groom is announcer at KCKN, K. C.

Loretta Sayers to Richard Van Conover, in Hartsdale, N. Y., Aug. 29. Bride is a film and legit actress.

Marilyn Hope to Norman Blake, Sept. 2, Las Vegas, Nev. Both film players.

Arlene Whelan to Alexander D'Argy, Sept. 1, in Las Vegas, Nev. Both film players.

BIRTHS

Mr. and Mrs. Bud Hulburd, son, in Hollywood, Aug. 28. Father is special effects technician at RKO.

Mr. and Mrs. Gordon Hewitt, son, in Hollywood, Aug. 29. Father is manager of Larchmont theatre, Los Angeles.

Mr. and Mrs. Jonathan Hole, daughter, Aug. 26 in Chicago. Father and mother are radio actors. She's the former Betty Harn.

Mr. and Mrs. Richard Landau, daughter, Aug. 31, Hollywood. Father is an agent.

Mr. and Mrs. Walter Haase, son, in New Haven, Aug. 19. Father is program director of WRBC, Hartford.

Beef On Decree

Continued from page 5

defendants have reached agreement on the principal points at issue.

As the terms of the settlement are becoming public, a storm of exhibitor protest has prompted Thurman Arnold, chief of the anti-trust division of the Justice Department, to give an opportunity to exhibitors to be heard. From far and near exhibitors are assembling here for the purpose of protesting. Meetings were held yesterday (Mon.) of the executive committees of the two national exhibitor groups, Motion Picture Theatre Owners of America and Allied States Exhibitors. Usually at opposing positions in all matters regarding industry trade practices, the two groups have now become accomplished one notable coalition. Both national organizations are unalterably opposed to certain clauses in the document.

Biggest Squawk

Chief squawk is over the proposals in the decree which were framed by the Government attorneys to abolish blockbooking and blind selling of films and substitute, in their place, a system by which no exhibitor would be required to license any motion picture for future showing until he had an opportunity to see the finished product in a projection room. This is the plan known as the 'five-picture group sales' scheme. By it, all five major companies agree to trade-show their films in advance of selling. When the Government finally obtained consent of 20th-Fox and Paramount to this clause, to which Loew's, RKO and Warner Bros. had agreed, it was felt that a victory had been won for exhibitors, who, in earlier discussions, had attributed to blockbooking and blind selling most of the ills of the industry.

The Government now is discovering that its cure for blockbooking is causing more strenuous and vehement protests than the practice itself.

Just Complaint

That exhibitors are not insensitive in their complaints, a leading independent operator cites that cause of dissatisfaction with the five-picture grouping is a qualifying clause which was slipped into the final draft of the proposals. It reads: 'Any distributor may in offering its features for licensing change the combination of trade-showing features in groups as it may from time to time determine.'

Chief cause of dissatisfaction against the blockbooking methods is said to have been the practice of distributors in taking a film from a lower percentage group and assigning it to a higher percentage. Exhibitors are informing Arnold that the interchangeable clause defeats the purpose of the five-picture plan.

From other sources come protests against the new proposal for group selling on the ground that the five-picture scheme will make film negotiations endless through the year. Currently, under the blockbooking plan, exhibitors may purchase their films in groups ranging from 40 to 65, with the advantages of cancelling some of the films, depending on the prices paid for the various groups. Under the new proposals there will be no cancellations permitted.

Another source of protest against the new decree is the provision giving exhibitors only ten days after approval of their contracts within which to apply for arbitration on the question of undue sales pressure by a distributor. Similarly, only seven days after purchase is provided within which to apply for abrogation of contract for any picture which is locally offensive. Many instances may arise, exhibitors declare, when public attitude will not have pressed itself within so short a period. It is anticipated that Arnold will insist on longer periods in both instances.

Theatre Chain Expansion

Provisos Frowned Upon

Next to the new sales plans, the qualifications of the provisions regarding expansion of theatre circuits and the limitations of protest against prevailing clearances between theatres, have brought forth the most dissent from exhibitors.

The decree is predicated on a three-year trial term, during which the Government will not proceed against the film companies to divorce theatre operations from distribution. In return for immunity from that source the companies agree not to 'enter upon a general program of expanding theatre holdings.' It is provided, however, that nothing shall prevent any defendant from acquiring theatres or interests therein to protect its investment.

Its competitive position or for ordinary purposes of its business.' Vigorous opposition is being made to this section of the proposals.

Although the machinery for the arbitration of industry disputes has not been perfected, or completely planned, it is provided that the arbitration shall be by neutral arbitrators designated by the American Arbitration Association. An appeal board consisting of three members, to be appointed by the court, will hear and determine appeals. Headquarters of the three-man board will be in Washington.

Many exhibitors believe it should be in New York.

Among the recommendations which Arnold is receiving is that he shall reconsider the proposals for the trade practice code which were submitted to and denied by him a year ago. These were drawn by a distributors' committee headed by William P. Rodgers, of Loew's. Some exhibitors are contending for the arbitration and cancellation provisions in the Rodgers' plan in preference to the decree clauses. Under the Rodgers' plan disputes were to be arbitrated by industry personnel, whereas the consent decree calls for 'the maintenance and functioning of the arbitration officers and personnel... under the jurisdiction of the American Arbitration Association.'

More practical decisions, it is declared, would be made from industry arbitrators than from men unfamiliar with the processes of the film business.

In view of the dissent against the decree it is believed here that Arnold will not be hasty in jamming through the order. He may assemble all the complaints from industry present the situation to Judge Henry W. Goddard, who is presiding. The fact that three of the eight companies originally served with the complaint have refused to go along with the consent decree negotiations opens the door for Arnold to delay action until he has filed a new bill against the three Columbia, Universal and United Artists.

WB Execs in Consent Parley on the Coast

Hollywood, Sept. 3.

Governmental consent decree in the film industry case is the subject of a conference here between Harry M. Warner, Gradwell Sears, general sales manager, and Morris Ebenstein, president of the Warner company, at the Burbank studio.

Visiting execs are due to remain here until the company makes a final decision on its policy.

Pa. UMPTO Protests

Philadelphia, Sept. 3.

The United Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey and Delaware, went on record opposing the clause in the consent decree that provides for the sale of pictures in blocks of five without cancellation privileges. In a letter to Thurman Arnold, assistant U. S. attorney general, Lewin Pizor, UMPTO presy, charged the clause would work very great hardship on exhibitors, particularly those living great distances away from exchange centers.

The exhibitor at this time enjoys certain cancellation rights, Pizor wrote, and under this proposed clause he would be denied any cancellation rights.

'The granting of this clause would increase his (the exhibitor's) cost greatly and nullify his present desire for community selectivity and force him to play or pay for all five of the pictures to get the probable few of the group suitable for his community.'

'This clause serves no public interests whatsoever but is merely one which imposes costly hardship upon the exhibitor.'

This organization feels that the Department of Justice is very anxious to fairly and impartially adjust the differences now existing in the industry and guard the exhibitor against any inequitable approaches by the distributors and provide for a fair basis under which the exhibitor may procure and show his necessary pictures.

'With this in mind, we are quite sure that you will agree that a denial to the exhibitor of cancellation privileges is a denial of a protective right. We, therefore, urge that this five-picture clause be eliminated from the proposed consent decree and a very substantial cancellation privilege be substituted.'

Exhibitors, both inside and outside the UMPTO organization, were urged by Pizor to write or wire their protests against the clause to Arnold.

IN MEMORIAM

Marcus Loew

September 5th, 1927

'The Harvard Girl' and 'Convict No. 999.' As members of Nickerson's Colossal Comedy Co. and The Whittier and Martine Comedy Co., they toured every state in the union. Their final appearances were in a vaudeville sketch written by Whittier entitled 'In Wrong.'

Surviving are a son, Charles L. Whittier, v.p. of the Young & Rubicam advertising agency; two sisters, Mrs. J. Weir Anderson of Toronto and Mrs. George Warren of Warren, Ontario, and three grandchildren.

JOHN C. SLAVIN

John C. Slavin, 71, musical comedy and vaude performer, who acted in the theatre for more than a half century, died Aug. 27 in the French hospital, New York, after a long illness.

A native of N. Y., he started his career at the age of 10 in San Francisco minstrels. He appeared in such musicals as 'The Wizard of Oz,' 'Singing Girl,' 'The Belle of New York,' 'A Knight for a Day' and 'When Dreams Come True.' With Charles Walton he formed a vaude act known as Walton and Slavin, a prominent tour a generation ago. A member of the original cast of 'Jack and the Beanstalk,' he also was seen with the Lillian Russell Opera Co. His last part was in a production of 'His Honor, the Mayor.'

He leaves a son, Ray Slavin, with whom he lived. Funeral services were held Friday (30) in N. Y., and burial followed at Flushing cemetery, Flushing, N. Y.

WILLIAM R. McSTAY

William R. McStay, veteran press agent and theatre manager, and for the last 15 years director of publicity for the American President Lines under the former Matson operation, died suddenly of a heart attack at his home in Alameda, Cal., Aug. 11. He was in his sixties. Survived by a widow.

McStay came into public relations through circuses, musicals and road-show films of silent days. He also operated theatres for Louis R. Lurie 20 years ago.

JOHNNY FERRONE

Johnny Ferrone, 46, one of the biggest bookmakers during New York's era of oral horse betting, a ticket broker with a spot near the Broadway Palace in heyday of vaudeville, and recently proprietor of a sports ticket agency across the street from Madison Square Garden, died in Saratoga Springs, N. Y., hospital Aug. 29 of injuries suffered in a head-on collision of two automobiles three days before. He never re-

the Oakland (Cal.) Roosevelt theatre, now the Downtown, died Aug. 17 at his home in Oakland after a lingering illness. He came into prominence when he sought to return big-time vaudeville to Oakland on a condensed picture-vaude policy.

Survived by widow and two children.

ERWIN 'BUCK' EWING

Erwin 'Buck' Ewing, 58, former clarinetist for years with Arthur Pryor's old band, and one season with John Philip Sousa, died at his home in Lincoln, Neb., where he had been in retirement for many years.

Widow and two children survive him.

EDDIE COLLINS

Eddie Collins, 56, stage and film comedian, died suddenly of a second heart attack at home Arcadia, Cal. Trouped for 30 years he gave up legit for pictures four years ago and was under contract at 20th-Fox where working in 'Chad Hanna.'

Widow, son and daughter survive.

BILLY PRICE

Billy Price, 42, songwriter and nitery entertainer, died Thursday (30) in Charity hospital, New Orleans, following an illness of several months. He was also a pioneer radio artist.

MITCHELL L. ERLANGER

Mitchell L. Erlanger, 83, former N. Y. Supreme Court justice and brother of the late A. L. Erlanger, died at his home in New York Aug. 30, after a heart attack.

Further details in legit section.

Harry Newcomb, 82, retired dealer in musical instruments and well known among Broadway personalities, died Aug. 27 at his home in New Rochelle, N. Y., following a six-month illness. Operator of a shop on Park Row, N. Y., for 60 years, he was patronized by Weber and Fields, Ed Wynn, among many others. Survived by son, Sidney, who now conducts the business, and a sister.

Claire Rubinstein, 37, film company contact and secretary at the Brandt literary agency for 20 years, died Friday (30) in New York. She had been ill for six months.

Mother, 82, of the late Charles (Chic) Sales and film actress Virginia Wren, died Aug. 29 in Urbana, Ill.

Father of Mary Martha Briney, staff ypcalist at KDKA, Pittsburgh,

Season's Vaude 'Comeback'

Continued from page 1

have been picketing the house and other WB theatres for many months now, and there's a meeting scheduled between the union and theatre operators in Philly today (Wednesday), at which possibly a deal may be worked out. WB insists on a contract that will obligate it to pay for musicians in only such theatres they play, and when they play. Instead of a blanket deal that covers all its houses in that territory.

Another uncertain major WB house is the Stanley, Pittsburgh. Last year this house played stage shows regularly, but this year the policy may call for only occasional vaude or name band shows. First show in the house will be topped by the Mike Rooney, opening Sept. 14, but after that the policy is uncertain. Rooney, who opens Loew's State in Cleveland Friday (5), goes to Capitol, Washington, Sept. 21, and then to Loew's State, New York, week of Sept. 28. He made some personals last season with Judy Garland.

There's no change in the Paramount-vaude picture either, with nothing added and nothing lost from the time it has had right along. It's booking occasional shows into the Michigan, Detroit, and Buffalo, Buffalo, plus its regular Paramount, New York, and Oriental and Chicago, in Chi. A few other midweek stands have got shows once in awhile through Harry Kalchman in N.Y., but these are infrequent and usually only when strong b.o. name available.

RKO

RKO's time consists of the Palace, Cleveland, full-week; Colonial, Dayton, full-week; Strand, Syracuse, two days, and Keith's, Boston, a half or full-week, depending on the b.o. calibre of the stage show.

Loew's, which has been going along just with the State, N.Y., and Capitol, Washington, for the past few years, contemplates no major additions. Once in awhile it will book shows into spots like the State, Cleveland, and Capitol, New York, if something of major importance comes along, but otherwise will remain the status quo of its two-week book.

Warner Bros., which last year had the most playing time of the majors, is off in comparison to 1939. Besides the Strand, New York, and Earle, Washington, this circuit Harry Mayer will be booking only some one and two day spots. Theaters in the Astor, Reading, Pa., opening Sept. 20, two days; Capitol, Lancaster, Pa., opening Sept. 21, one day; Strand, York, Pa., opening Sept. 21, one day; and the Stanley, Chester, Pa., opening sometime in October as a one-day stand. Missing from the book are some one and two-day spots around Philadelphia, which were also cramped by the impasse with the musicians.

Indie

The indie picture, as represented by Eddie Sherman and Arthur Fisher, the leading bookers in that field, is a little brighter. They, at least, have made a couple of additions while losing only a half-weeker, Fisher's Carlton, Jamaica (Brant).

Sherman has added the Royal, Baltimore, a colored house, which opened Sunday (1) as a full-weeker. Fats Waller's orch headlines the first show. In Balto also, Sherman has the Hipp, big-time full-weeker, and the State, a split-week playing moderately priced layouts. Other major spots booked by Sherman are the Adams, Newark, which opened Friday (30) with a major White's "Scandal" as full-weeker; Carmen, Philadelphia, full-week; Fay's, Philadelphia, full-week, which reopened Monday (2) with Ann Corio headlining; Tower, Camden, N.J., opened as split-week but goes to full week later on; State, Hartford, with a flexible policy from four days to a full week, depending on the strength of the show; Majestic, Paterson, N.J., split-week opening Sept. 30; State, Easton, Pa.; State, Harrisburg, Pa.; Colonial, Allentown, Pa., and Century, Buffalo, all three days each per week; Colonial, Lancaster, Pa., and Broadway, Pittman, N.J., one day each.

Fisher's Houses

Fisher's book is dominated by the two Grand, full-week in N.Y. The Flatbush, Brooklyn, and Windsor, Bronx. His newest addition is the Metropolitan, Providence, half or full-weeker operated by Ralph Snyder, Boston indie. Other Fisher vaude spots are the Freeport, N.J., and Plymouth, Worcester, Mass., all

three days each; Gaiety, Boston, full-week burley house playing vaude turns; Capitol, Lynn, Mass.; Capitol, Pawtucket; Court Square, Springfield, Mass.; and Empire, Fall River, all split weeks.

Unless there's a strong influx of talented film names for personal appearance tours, there's nothing on the horizon to indicate a hypo for theatre operators to open their houses to stage shows. At the present moment the bookers are strictly on the hunt for bands with b.o. pull, although there also appears to be a leaning towards strong units peopled with a lot of good-looking femmes. As yet, however, there's been no rush by vaude producers to gamble with such shows.

Two N. Y. Brandt houses, using bands as a nucleus of their shows, resume operation Sept. 12. Originally it was a four-house operation. Art Jarrett's new band and Sally Rand's unit pick up the new season on the 12th at the Flatbush and follow at the Windsor. Cab Calloway and Jimmy Dorsey follow on 19th and the 26th, and Bill Barlow Oct. 3, at the Flatbush.

\$1,000,000 Loss

Continued from page 1

there was little of the usual holiday biz.

While the hurricane and storm did not touch A. C., roads and bridges to this city were washed out and no trains or buses or private cars could enter all day Sunday. It is estimated that 100,000 were kept away. Many already here, fearing a hurricane warning, remained indoors.

Philly Biz Booms

Philadelphia, Aug. 3

Floods that swept through South Jersey over the weekend put a crimp in Labor Day biz in Atlantic City and its environs, but proved a godsend to film houses here and roadhouses in Camden.

Downtown Philly had the appearance of New Year's Eve Sunday night (1). Thousands of pleasure-seekers jammed the streets and packed the film palaces. Midnight shows were on at the Earle and Stanley and both played to S. R. O. houses.

Roadhouses and niteries in the parts of Jersey untouched by the floods reported socko-biz. (Pennsylvania laws forbid sale of liquor on Sunday). Labor Day weekend shows were on at a minimum due to shutoff of highways inundated by the flood. Railroad service was also badly hampered.

Radio's Bugaboo Ires

New England Resorts

New Bedford, Mass., Sept. 3

Frequent warnings by radio stations of a Labor Day hurricane, which threatened but missed the New England Coast, created a casting-of-phosphors scene since Orson Welles' Martians, according to the consensus in southeastern Massachusetts. Resort operators were naturally the bitterest critics, but accommodated vacationers were also plenty caustic. Rhode Island coast and Cape Cod businessmen blame regional stations for giving the big blow an unwarranted buildup.

WBRO, Providence, and WBZ-WBZA, Boston-Springfield, aired hurricane bulletins constantly from Saturday on. Yankee Network on Sunday advised boat removals and other precautions even though they may prove unnecessary. Results: maturely cancellations by prospective weekenders; thousands of phone calls to newspapers, police and Coast Guard; desperately needed season-end resort biz completely flopped.

In 1938 when the hurricane hit, the common lament was "Why didn't we get some warning?" Squawk phizzed and hyped hysteria. Stations' result, it is said, may find themselves crying "Wolf" when the big breeze really blows.

Outdoor Biz Bloato

St. John, N. B., Sept. 3

The 1940 outdoor amusement season has been a colossal bust in the eastern provinces, despite improved economic conditions due to war orders.

Amusement parks were given a terrific beating by adverse weather and the collapse of the tourist traffic from the U. S. owing to the fear of being solved in stringent border restrictions.

Forum

No Gag

Editor, VARIETY:

New York.

The gagsters used to have a lot of fun with the actors who stood outside of the Palace, waiting for the talkies to blow over.

Judging from your recent featured articles on the subject, however, the actors are entitled to an apology from the wits.

It looks as though the talkies finally are blowing over—but fast!

Geo. C. MacKinnon.

P. S.—And if we hear much more about 'Jeanie With the Nut-Brown Hair,' the song-pluggers had better start lining up their adenoids, for radio is going to blow over also.

More Poetic

Editor, VARIETY:

St. Louis.

For 32 years I've carried a name that sounded like a Chinese laundryman or a piece of pie in Honolulu, but that's all changed now.

Bama Rowell, the National League's leading batter and second baseman for the Boston Bees, along with Bill Posedel, their star pitcher, got together here in the Chase Hotel where our band is currently holding forth, and changed the moniker to 'Eddie Allen' Poe. The name stuck with the St. Louis contingent so I'm throwing it at the trade and I'm planning to plead the cause to the judge immediately.

Take me out of that laundry department.

Coy Poe,

alias E. A. P.

Boys at San Quentin Stage Their Second 'Walled World's Fair'

San Quentin, Cal., Sept. 3

The boys in San Francisco have nothing on the boys at San Quentin when it comes to putting on a World's Fair, particularly in the art department, including paintings, drawings, sculptures and other ventures into the sphere of skilled design.

Following (or leading) the Frisco Expo for the second year, the inside artists are putting on their second 'Walled World's Fair,' with a promise of hot competition in the various classes—the old collegiate spirit.

FRISCO TO L.A. PLAN FOR EXPO 'CALVACADE'

San Francisco, Sept. 3

Deal cooking here whereby 'Cavalcade of America' would move to Hollywood Bowl, following close of Expo here.

Plans fall for outdoor spectacle to open around Nov. 1, holding Bal through L. A.' winter carnival season.

Mayor Would Make A. C. A Road Co. of N. Y. Fair

Atlantic City, Sept. 3

Atlantic City visitors who haven't been to the N. Y. World's Fair will find the Fair has come to them next season, if efforts of Mayor Tom Taggart are successful. Hixson compiled a list of 80 of the major exhibitors at the expo and wrote each of them sales letter urging that they give their products 'oomph' by moving their exhibits and staffs to A. C.'s boardwalk when the Fair closes Oct. 27.

Invitations, accompanied by pictures of the resort showing the boardwalk and beach, read:

'Atlantic City invites to consider as a venture in good sales promotion the idea of transferring your World's Fair exhibits and your highly-trained personnel to the world-famous boardwalk.'

'Big business makes no secret of its reliance on this intangible quality called 'oomph' or glamor. Glamor is the No. 1 vitamin in the merchandising life of America. Atlantic City can give your product a background of glamor, color, beauty—the thing that advertisers call dynamite.'

Literati

75G Suit vs. Winchell, Mirror

An unusual libel suit for \$75,000 damages against the Daily Mirror, Inc., and Walter Winchell by John Davidson, furrier, was revealed last week (28) the N. Y. supreme court, when Justice Samuel H. Eastman ordered the examination before trial of Winchell and a responsible officer of the Mirror on Sept. 6. Suit charges libel the Nov. 28, 1938, issue of the Mirror, when Winchell warned chorus girls to beware of a man selling foxes; as 'Penny Wise' (Doris Fisher), soloist with Eddy Duchin's orch, had been exposed.

Plaintiff claims he sold a fox fur to Miss Fisher and that Winchell's story libeled him. Both the Mirror and Winchell interpose affirmative defenses, claiming that the singer paid \$300 for a \$750 fox which was never delivered. She sued Davidson and recovered the \$300, plus \$31 costs, and it is asserted that Davidson was arrested as a result.

Alice Brewer's Radio Guests

Alice Brewer, ex-Boston American (Hearst) gossip columnist, now conducting the only sports program for women, on WMCA, N. Y., has a flock of sports personalities lined up. As Alyce Siemens, Miss Brewer is now using her right name on the air.

A protégé of Jack Mallory, now managing editor of Hearst's Chicago Herald-Examiner, Miss Brewer is using such writers as Max Kase, sports editor-in-chief of the N. Y. Journal-American; Bob Considine of the Mirror; Bob Brumby, of PM; Joe Williams, of the N. Y. World-Telegram, on her show titled 'In This Corner, the Ladies.'

Surprise Best-Seller

Surprise best-seller, comparable in many respects to a 'Chick' Sales success of a dozen years ago, is 'Bet It's a Boy.' Book consists entirely of colored drawings, with no text whatsoever, depicting humorously a woman's difficulties in advancing stages of pregnancy. It has been No. 4 on the New York Herald-Tribune's non-fiction best-seller list for two weeks and No. 1 on the list of Baker & Taylor, country's largest book distrib.

Drawings are credited to 'Betty B. Blunt,' obviously a phony tag. Book is published by Cider Press, Brattleboro, Vt. Critics have called it 'very frank and just this side of crudity.'

Postpone Maginot Biog

Biog of Andre Maginot, being readied for publication by Doubleday Doran just as France fell, has been postponed until mid-winter. Publisher meantime is having it rewritten to have it conform to later events.

Originally titled 'Maginot, Builder of the Maginot Line,' it will probably be switched to 'He Might Have Saved France.' New idea is that if Maginot's suggestions had been accepted completely and he hadn't been stymied by a bloc of corrupt and reactionary politicians, France wouldn't have been defeated.

Maginot's wife will probably be credited with the biog, although some of the material was supplied by his mother and sister and a number of other people worked on it.

N. Y. News' Columnar Sked

The N. Y. Daily News' three columnists, Ed Sullivan and Danton Walker, on Broadway, and John Chapman, from the Coast, are on a five-columns-a-week basis each, with all three appearing together only one day a week (Monday). Otherwise they're staggered to cover the full seven days, two pillars usually appearing daily.

Sullivan, due to a pulled muscle playing golf delivered less than his usual quota last week.

Philly Jewish World Resumes

The Jewish World, only Jewish newspaper in Philly, resumes publication on Friday (6). Publisher is Jacob Ginsburg, father of radio gabber Norman Jay. President is M. Henry Potter, WJPN's 'Uncle Henry.' Paper folded last May when bankrupt put up by staff on a cooperative basis gave out.

Dan Walker, N. Y. News Sued

Joseph N. Kane, author, filed N. Y. federal action yesterday (Tuesday) against the News Syndicate Co., Inc., and Danton Walker, alleging plagiarism of parts of his two books in Walker's column in the June 21 and 28 issues of the N. Y. news. An injunction, accounting of profits and

\$250 damages for each copy of the paper sold is asked.

Plaintiff wrote 'Famous First Features' and 'More First Facts' in 1928 and 1934. The works were assigned to H. W. Wilson Co., copyrighted, and eventually assigned back to Kane. Walker is charged with having published many of the facts from the books in his column.

Chi H. & A. to Vote on Guild

There will be a plant vote on union affiliation by employees of Hearst's Herald and American in Chicago this month.

Vote will be taken between the CIO Newspaper Guild and the Chicago Editorial Union of the American Federation of Labor.

LITERATI OBITS

Frank A. Baugh, 38, former city editor of the Long Island Daily Press of Jamaica, N. Y., died Aug. 29 in Queens General Hospital, Jamaica, of injuries which he sustained when pinned to a tree by his automobile earlier in the day.

Robert F. Maine, 84, associate of the late E. W. Scripps, who was instrumental in establishing the Newspaper Enterprise Association, died Aug. 29 in San Francisco. He had served as editor of the Cleveland Press and The San Francisco News.

Col. Clarence J. Smith, 66, former managing editor and chief writer of the Allentown (Pa.) Morning Call, died Aug. 28 at his home in that city.

Mrs. Louise Corson Downes, 63, poetess and writer, died Aug. 29 at her New York hotel after an illness of several months. She leaves a son, Olin Downes, music critic of the New York Times, and two daughters.

CHATTER

Hugh I. Shott, publisher, Bluefield, (W. Va.) Daily Telegraph, named a presidential elector-at-large.

Rex Beach has done an autobiography for Cosmopolitan. It'll be in the November issue under the label, 'Personal Exposures.' W. W. Anderson, former South Carolina newspaperman, now with Associated Press in N.Y., author of 'Kill One, Kill Two,' mystery novel due from press in September.

Harlan Miller, whose column 'Over the Coffee' has been in the Des Moines Register for many years, returns to Des Moines from Washington this week and will resume his column there, together with serving as an associate editor on Look magazine.

Gardner (Mike) Cowles, Jr., executive editor of the Des Moines Register and Tribune, and his national advertising head man, Charlie Feldman, have been checking up with the eastern advertising agencies on the fall and winter possibilities.

SPRINGFIELD, MASS., EXPO 'GLAMOR' WEEK

Springfield, Mass., Sept. 3

Annual Eastern States exposition gets under way here Sunday (15) for one week. All New England states are again participating. Only radical change this year is introduction of so-called musical extravaganza. Tagged 'Exposition Follies of 1940' replaces the rodeo, annual main feature of the exposition. Designed to glamorize the exposition, the musical will have a cast of 150, presented nightly, augmented by 10 acts. Mammoth outdoor stage, 90 by 140 feet, has been specially constructed for the revue, which will be in five parts.


Booked for the show are Alan Rogers, Blanche Bradley, Ann Ruth-erford, Grenadier Male Octet, Ainsworth Dancers (24 girls), Alexander and Santos Co., Soutia's Miami Band (21). Outdoor acts booked include Wallenda and Greta troupe, Aerial Ballet, Shanghai troupe, Gaudschmidt Bros., Three Toppers, Long and Cravat, Demetri's Bears, Four Blenders.

Opening night of the 'Follies' sponsored by the Chamber of Commerce.

Cincy Circus Corp. Formed

Columbus, O., Sept. 3

The Secretary of State's office has announced the incorporation of the United States Circus Corp., Cincinnati, with \$25,000 authorized capital. Principals are George S. Houston, James Bonnell, H. H. Southgate and John G. Robinson, Jr.



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VARIETY

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BIG COIN FOR BIG TIME ACTS

Russ Morgan's Music Proposal

New York, Sept. 4.

Editor, VARIETY:

Here's a situation that the public should know about.

The dance bands will be the losers if forced to discard their valuable music libraries, which they have carefully nurtured for many years. Those music libraries have cost the leaders an average of \$10,000 to \$20,000, and this is their stock in trade to establish 'name-band' prestige.

A couple hundred radio broadcasting bands will be the losers of a several million-dollar investment, and therefore I would like to see VARIETY establish an 'Exchange of Views' column where orchestra leaders would be welcomed to express their frank opinions regarding the type programs they are going to play after Dec. 31.

Russ Morgan,
'Music in the Morgan Manner,'
Pennsylvania Hotel, N. Y. City.

Maestro Morgan refers to the ASCAP-BMI or music vs. radio situation, both sides of which air some views in this issue on Page 23.

Equity Jurisdiction Makes English Legit Actor an 'Alien' in Canada

Toronto, Sept. 10.

Strict application of Equity's alien-actor restrictions in Canada may result in the organization losing its jurisdiction in the Dominion. Refusal to grant a waiver of the rules to permit an English actor to appear in two stock productions at the Royal Alexandra theatre here has aroused local indignation. Matter is reported to have been brought to the attention of the government, which has been trying to bring about a revival of the theatre in Canada.

Under Equity's agreement with British Equity, legit in Canada is under the jurisdiction of the U. S. organization. Thus, English actors are under the same restriction in the Dominion as in the States. That has caused only occasional criticism in the past. However, with the war altering conditions in the theatre as

(Continued on page 34)

Both Radio Networks Wary of Any and All Political Gags This Yr.

NBC and Columbia do not intend to issue any special warning on the subject, but the networks have let it be known that they will exercise more than usual caution this fall in seeing that political gags are kept out of comedy and other programs. Listeners have been found to have little indulgence for wisecracks about their favorite candidate during the heat of a political campaign, and the webs are anxious to avoid anything that might bring on a deluge of protesting letters, telegrams, or phone calls.

Network script examiners say that they don't anticipate any difficulties from comics on this score, since all of them have had considerable experience before the mike and know that the embarrassment which follows an off-line political crack redounds to the disfavor of their sponsor, as much as it does to the network.

Billing That Counts

Mexico City, Sept. 10.

Picture of Estela Ruiz, young Mexican dancer now appearing at the New York World's Fair, graces banknotes in regular circulation.

Senorita Ruiz's likeness, in one of the national costumes, features ornate decorations of the Bank of Mexico's 10 peso bills (\$2).

BLITZ BLACKS OUT LONDON'S THEATRES

Shortwave broadcasts from London Saturday (7), and daily and nightly since, indicate that great havoc is being wrought by the Nazi bombers in the West End, akin to New York's Broadway theatrical district. Several theatres have been hit, including, it was stated, one vaudeville house, and the possibility is strong that all London theatres may be closed within 48 hours.

Yesterday's (Tuesday) news and radio reports claimed that the British Ministry of Home Defense is already planning temporary closure of all theatres. As it is, legit houses are closing right and left, and those operating are doing so for matinees only. Monday (9) night the London Cinema Assn. decided that all film houses would close at 9 p.m. nightly until the after-dark air raids end. However, 14 cinemas have already shut entirely.

Report that a vaude house in the West End was hit can mean only one of two such houses in the district—the Palladium or Holborn Empire. Palladium is one of the finest houses of its type in the world. It was built and opened in 1909 by Walter Gib-

(Continued on page 46)

NOVELTY NAMES CONCERT CLICKS

Alec Templeton, Levant and Ballet High-Grossers in Long-Haired Field — Record Summer Season Disclosed Unusual New Box-office Whams

RADIO INFLUENCE

Feature of the record-breaking summer concert season just concluded was the heavy attendance drawn by several novelty attractions.

Growth of the outdoor concert business in recent years has been steady and, with the European field closed because of the war, a record summer in the U. S. was expected. But the huge audiences drawn by such non-concert names as Alec Templeton and Oscar Levant was unanticipated. It's a case of big-time variety and radio acts going into a new field and clicking big at the boxoffice.

Another novelty that did good business was the Ballet Theatre. Ballet had been seen during previous summers, but not on the scale or with such success as this year. Ballet Theatre, playing its first outdoor engagements, drew surprising crowds.

Neither Templeton nor Levant played more than a handful of dates. Both pulled large audiences at all engagements, however. And, according to concert managers, the turnout was generally not composed of regular concert devotees, but seemed to stem from radio, where the two pianists have made their reps. Fact that the two men drew newcomers to the al fresco auditoriums, as well

(Continued on page 47)

Radio Dramatizations Of Patriotic Pictures To Plug Americanism

Government radio division, set up to bolster national defense spirit, this week was reported mulling a series of programs which would incorporate radio excerpts or condensed versions of outstanding historical films, even including some of the patriotic shorts. At first, this radio division would not reach back too far for such cinema material but would take productions currently in the limelight or those recently shown to the public.

Among the suggested historical films for radio dramatization are 'Man of Conquest,' 'Union Pacific,' 'Alexander Graham Bell,' 'Abe Lincoln in Illinois,' 'Stage Coach' and 'Dodge City.' Effort is being made to secure a group of sponsors to underwrite the series, with picture companies cooperating because of the indirect plug for product and likely a mention of current releases geared on identical themes.

Jukebox S. A. Pays Off Big; Femme Record Jockeys' Ad Lib Wisecracks

By HERB GOLDEN

'Whaddaya doin' tonight, baby?'

That's No. 1 pest query faced by femme operators in the east's first centrally-controlled jukebox system, recently installed in Brooklyn. New-style coin phono machines, instead of having records in the cabinet and being self-contained, are connected by wire with a central station where discs for all the boxes in the vicinity are placed on turntables. Patrons of bars or other spots where the machines are located request the tunes they want by talking into a mike attached to the box. Two-way communication system enables the operators to talk right back at the customers—and how they do!

Gals have developed stock answers to what have become stock queries. Answer to 'Whaddaya doin' tonight, baby?' is 'I'm playing your favorite recordings. What would you like to hear?' There's not much left for the unseen freshy to do but name the selection he wants. Reply almost always serves to stifle further conversation.

Some of the lads, particularly when biz at the bar has been as good as that at the jukebox, are not quite so mild in their remarks to the femmes. In which case the operator simply calls off the bad language by flipping her switch. That means that his freshness has cost the wise-guy a nickel because another coin must be inserted to call the operator again. After three or four

(Continued on page 36)

HENIE - WIRTZ'S ICE SHOW NUT, \$225,000

Ice show coming to the Center theatre, N. Y., early next month will set back producers Sonja Henie and Arthur Wirtz and the Rockefeller, who own the house, \$225,000 before the curtains part on opening night. Of this, \$25,000 is going for remodeling the theatre and better than \$50,000 for installation of ice machinery to create a 10,000-square foot rink.

Biggest and flossiest professional ice exhibition ever tossed together. Center show will represent \$60,000 in costumes alone. Outfits were designed by Norman Bel Geddes, who made 500 individual costume sketches. In some of the 12 numbers every member of the line of 60 will wear a different rig, while in others each boy and girl will have costumes that blend; and each pair will be different. Orchestra will not only wear costumes, but will have changes.

Scenery is also being designed by Bel Geddes and, like everything else about the production, will be ultra-

(Continued on page 45)

MISPLACES GAUCHOS, SHORTWAVE BARS SONG

Cincinnati, Sept. 10.

Because of geographical discrepancies, 'Gaucha Serenade' is barred from future programs on WLWO, Crosley's international station. Reason, explains Wilfred Guenther, station director, is that a line of the tune runs, 'Neath your window down in Rio de Janeiro I will sing my gaucha's serenade.' Gauchos are cowboys on the Argentine pampas while Rio is in Brazil.

Since the 50,000-watt short-wave station went commercial, Guenther reports that one Venezuela listener paid \$2.10 to air-mail two requests for a sample of Aqua Velva lotion and a Carter's Little Liver Pills ad map.

Upped Attendance May See N. Y. Fair Passing 15,000,000 for Season

With attendance during the past week (including Sunday, Sept. 8) at the N. Y. World's Fair averaging well above 100,000 daily and close to the 1,000,000 weekly mark anticipated earlier in the season, exposition officials this week held out hopes of topping 15,000,000 paid admissions for this year. Favorable weather, a string of special events and days, plus constant plugging of the few days left until the fair 'closes forever,' pushed up attendance figures despite the fact that the past week followed a record-breaking Labor Day weekend.

Bondholders were cheered by the statement of Harvey D. Gibson, chairman of the Fair corporation, last Friday (6) that the net operating profit including Sept. 5 this year totaled \$2,565,665. He stated that the exposition's total expenditures this year will be about \$6,000,000 as compared with \$9,570,849 in 1939. Gibson said he anticipated five attendance from now until the closing day, with the drive to get people within motoring distance of the Fair bearing fruit.

Attendance figures reveal that the

(Continued on page 45)

Swiss Inventors' 'Smellie' Adjunct To Pix; Other N. Y. Airport Items

Motion pictures that smell, literally, took a step nearer the American premiere with the arrival Thursday (5) of Robert Barth, Swiss technician, on the Atlantic Clipper at the marine terminal at LaGuardia Field (N. Y.). Upon his arrival came first news that Hans Laube, his chief and the inventor of the revolutionary type of presentation, had landed from a Clipper recently and escaped attention.

Extremely reluctant to talk about their work (Laube was at the airport to meet his co-worker) until they were certain no harm had come to their reels of film and apparatus, they did state that the initial showing of films that give off onion smells when the cook is peeling onions in the kitchen, and eau de Cologne as Clark Gable's finishes up shaving, and the fragrance of apple blossom as a happy couple strolls through the orchard in springtime, would probably be given at the Swiss Pavilion at the Fair.

It was thought likely that the showing would come this week, but everything hinged on the condition of the shipment from Switzerland, which did not come in by Clipper, but by steamship the day after Barth arrived.

Laube and Barth indicated that they thought attempts to poke fun at their invention by way of saying that 'movies stink now' gave off a bad odor themselves. In broken English they made it clear no joke about their brainchild was a new joke.

An indication of how important Switzerland believes the invention is, was contained in his traveling papers. Although he is not connected with the Swiss diplomatic corps, he had been given a diplomatic passport.

Fame
The Fame Is Flying Dept. collected an item at LaGuardia Field late last week. Off the STWA-toliner straight from the Coast stepped a beautiful blonde, smiling happily. Reporters and photographers made no move. Off stepped Wallace Beery and they ran to his side. In a big hurry, Beery, who had just finished the final takes on 'Wyoming' and that he was in New York for a week to look around and take a rest, and that he was to stay at the Waldorf.

Beery gone, the reporters noticed the chic blonde standing, sort of helplessly. Turned out she was Ma. (Continued on page 30)

MIRANDA TO H'WOOD FOR 20TH 'RIO' ROLE

Hollywood, Sept. 10.
Carmen Miranda is due here Nov. 1 to co-star with Don Ameche in 'They Met in Rio' at 20th-Fox. It will be her first visit to Hollywood. Her scenes and song numbers 'Down Argentine Way' were all made in New York.

\$11,092 U. S. Tax Claim Over Berlin's 'Top Hat'

Washington, Sept. 10.
Tax Appeals Board held last week that Irving Berlin owed \$11,092 in 1935 income taxes on tunes he composed for RKO's 'Top Hat'. Berlin contended that the money he received from the film contract represented gains for the sale of capital assets, and as such could be offset by corresponding losses.

Board held that the coin from RKO was ordinary income.

Fidler for Palmolive

Hollywood, Sept. 10.
Jimmie Fidler will detail the doings along the film front for Palmolive over NBC this season beginning Oct. 2. Gabber does quarter-hour hit weekly.

Hedy's Metro Date

Hollywood, Sept. 10.
Clarence Brown set a definite date with Hedy Lamarr for 'Come Live With Me' at M-G. It calls for James Stewart as the other half of the romantic duo. Date is Sept. 30 in Culver City.

Another Cut

Perhaps it's the declining foreign market—that's the reason given for all other cuts in Hollywood these days—but Metro last week lost 32 gals in the blink of an eye.

It bought an original script by Stanley Rauh and Arthur St. Clare tagged '40 Girls and a Horse', which, thereupon, was immediately cut to 'Eight Girls and a Horse'.

NBC ASKS 250G FOR METOPERA

NBC is making a determined pitch on sponsorship of the Metropolitan operas for Saturday matinees this season. It has a couple accounts interested.

Network is asking \$250,000 for the series on a package basis. Price covers 16 opera broadcasts and a hookup of over 100 stations. Opera hasn't had an air underwriter for three years.

AMPDA GIVES \$64,000 FOR BRIT. WAR RELIEF

London, Aug. 27.
Through the AMPDA American Motion Picture Distributors Ass'n on this side, members have turned over \$64,000 to Ambassador Kennedy to be distributed by him for war relief work in Britain.

F. W. Allport, European head of AMPDA, made the presentation.

Sonja's Tour Sets Back 'Sun Valley' Pic to April

Sonja Henie will start work on 'Sun Valley' for 20th-Fox on April 1, she said in New York Saturday (7). Studio wanted her to begin around Christmas, she declared, but she'll be in the midst of a skating tour at that time and asked for the postponement, which was granted.

Blade star is currently working out in New York with the chorus of 'Hot Ice', rink show of which she is co-producer. It opens at the Center, N. Y., early in October. Miss Henie will leave for the Coast the day following its preem to begin getting in shape the company, now in California, which she will take on a national skating tour.

Reports that Dan Topping, to whom Miss Henie was recently married, objected to her continuing her career, either in films or on ice, are denied by Topping. 'Sonja can continue doing just as she wants,' he declared.

Miss Henie said her six-year pact with 20th-Fox, which winds up at the end of next year, calls for her to make two pictures during 1941. Second one will depend entirely on the studio, she asserted, as it is having great difficulty in getting suitable scripts. If it gets a satisfactory story, she's willing to make the picture. She hasn't seen script of 'Sun Valley' yet.

O'Neill Tales Cycle

Eugene O'Neill has chosen the titles for his cycle of nine plays, on which he has been working for several years. Cycle is called 'A Tale of Possessors, Self-Dispossessed'. Individual plays will be 'Greed of the Meek', 'And Give Me Death', 'A Touch of the Poet', 'More Sincerely', 'The Cains of Copacabana', 'The Earth's the Limit', 'Nothing Lost Save Honor', 'Man on Iron Horseback' and 'A Hair of the Dog'.

Separate plays will be related and will be in sequence, covering about a century in the lives of two American families. Nobel Prize winner doesn't know when he will complete the series, but none will be produced until all are finished. Theatre Guild will produce them.

BING'S NIBBLICKING

May Make S. A. Tour After Nat'l Amateur Tourney

Bing Crosby, vacationing in New York since Sept. 1, may shove off for South America on a goodwill personal appearance tour as soon as the National U. S. Amateur Golf tourney at Mamaroneck, N. Y., is completed. He was entered in the qualifying rounds Monday and yesterday (Tuesday) and told his friends of his ambition to win.

Crosby is supposed to have been given the approval for such a Latin-American jaunt, with eastern executives admitting such a trip would doubtless enhance his boxoffice value in those countries, particularly if it huilt consent to personal appearances at public functions of theatres. Cropper would go by boat. Crosby has several Argentina mounts in his string of racing horses and reportedly is interested in Argentina racing prospects. However, Crosby, who has consistently ducked the press since arriving in N. Y., could not be reached regarding this angle of his trip.

LAUNCH NEGRO PLAYWRIGHTS IN HARLEM

Newly formed Negro Playwright Co. netted almost \$5,000 Friday (6)

night with a benefit at the Golden Gate ballroom in Harlem. Attractions were Richard Wright, author of the best-selling novel, 'Native Son', and Paul Robeson. Attendance was about 4,500, with a scale of \$1.65 top and a large number of patron boxes at \$5 to \$50.

A liberal theatre 'which will come to grips with life without evasion' was promised for the Playwrights by president Theodore Ward at the shindig, which was the outfit's break-in. 'We intend to produce important plays,' he declared, 'which will make this people's theatre a force for a better world.'

Morris Carnovsky, one of the top players of the Group Theatre, after which the Negro Playwrights is patterned, toasted the new outfit, and Hazel Scott, warbler-pianist of Cafe Society, N. Y., entertained briefly. Gwendolyn Bennett, member of the Playwrights, m.c'd.

Wright's contribution consisted of reading a 90-minute analysis of the birth in his mind of 'Bigger Thomas', principal character in his novel. Lengthy dissertation in the heated ballroom permitted but a brief session by Robeson.

Playwrights inaugurate their initial season Oct. 15 with 'Big White Fog' at the Lincoln theatre, Harlem. Play, by Ward, was first presented several years ago by the Federal Theatre Project. Group hopes to keep the Lincoln permanently alight with the product of its members, who will produce and direct as well as write.

L.A. to N.Y.

Brian Aherne.
Fred Allen.
Kenny Baker.
Richard Barthelmess.
Wallace Beery.
Nate Blumberg.
Lee Bowman.
Ned Brown.
Charles Buckley.
Tom Buchanan.
Don Cope.
J. Cheever Cowdin.
Howard Dietz.
Roy Disney.
Joan Fontaine.
James R. Grainger.
Rita Hayworth.
Portland Hoffa.
Paul Koretz.
Andre Kostelanetz.
Edward G. Robinson.
Arthur Rose.
Murray Sarafon.
Murray Silverstone.
Charles P. Skouras.
Ed Small.
Ann Southern.
Paula Stone.
Herbert J. Yates.

SAILINGS

Sept. 11 (Vera Cruz to New York), Mr. and Mrs. Robert J. Landry (Mexico).
Sept. 6 (Los Angeles to Honolulu), William A. Selzer, Marian Nixon (Malsonia).

THE BERLE-ING POINT

By Milton Berle

Today I am a newspaperman. On behalf of VARIETY—and I'd like to be half of VARIETY—happy reading! Originally, I was supposed to work for New York's new daily, 'PM,' but my stuff came back marked 'PU.' Just returned from Hollywood. I went out there to complete a layout I started two years ago.

Loss of the foreign market has really affected Hollywood. Would you believe it—Grand National hasn't made a picture all day!

On the Coast I bumped into a lot of friends—Louis Shurr (you know—the head of the Gaxton-Moore agency), Bob Hope, Bing Crosby, etc. Crosby, Hope and I went out to Lakeside for 18 holes of golf. On the 7th, I drove into a sand trap—and there was Chesterfield Pictures shooting a desert scene.

Back On Broadway Dept.

Walked into Lindy's, the waiting room of the William Morris office. Bumped into Ed Fishman and Paul Small—four of the nicest guys you ever met. Heard that things were so bad for Broadway Rose, she was changing her name to Sixth Avenue Rose. Next year they'll probably tear her down.

Then to Adler and Kelly's Tavern on West 48th street—business terrific—and here I got a big surprise. I actually met a comedian who hadn't been signed for the 'Ziegfeld Follies'.

Patsy Flick, now working with Ed Wynn, told me that he owed a language school \$50, so they re-possessed one of his dialects.

Everybody planning to go to the premiere of Al Jolson's 'Hold On to Your Hats,' which opens tonight (Wed.) on one knee. Capsule pre-opening comment: Knee plus ultra.

Found out Rosita Royce is no longer at the Fair—her birds went south for the fall. Absolutely no truth to the rumor that four bobbie pins were found in Jay C. Flippen's hair.

Hollywoodiana

Since Bing Crosby bought a racing stable, he gets fan mail from glue factories.

Passed a marquee emblazoned with 'Susan and God.' Wonderful the people M-G-M has under contract.

Saw George Raft on Ciro's dance floor. He was 'truckin', from the picture, 'They Drive by Night.'

A comedian confided it was his ambition to live in California and die in New York. Suggested he play the Roky.

Saw a movie with Bob Burns, Jack Oakie and Helen Broderick. The only straight man in the picture was the cutter.

Picked up a line here and a joke there. Wrote them on cuff of my shirt. The next day my laundryman became an enicee.

New Acts Dept.

Franklin Delano Roosevelt, Jr. Caught at Leon & Eddie's. Great delivery and poise. Biggest laugh—Mr. old man wants to buy Billy Rose's Aquacade—because he wants to keep Eleanor home.—Looks like the wrong Roosevelt's in show business.

Radio Dept.

By summoning script writers to Hollywood Bowl for a conference.

Overheard in a radio agency: 'Hey—you with the high forehead and low Crosby.'

Audience participation shows pay so well agents are booking their stars into the third row for 'Professor Quiz.'

Radio actor complains about low prices. Now gives agent his salary and takes the commission.

Radio folk between ages of 21 and 41 eligible as conscriptors—radio jokes between 21 and 41 eligible for non-scripters. What am I saying????

Observation Dept.

Friars Club is so crowded that Sarry Saranoff had to go to the Lambs to sleep... Catskill Mountains had such a successful season that they did 'Buzzin' the Bee' with buttermilk... Bert Frohman had a dream that vaudeville was coming back so he got out of bed to pay his NVA dues... Broadway marquee comes close to being evil-minded—only a couple of hotels separate 'The Man Who Came to Dinner' and 'He Stayed for Breakfast'... Met an ambitious actor—the kind of a guy who would marry Broadway Rose just for the publicity... My mother's on a diet—what will I do for belly laughs?... Once had six laughs in a row—the row my mother was in... An agent in the Strand Building was asked if he had two halves for dollar. He said, 'Suze—Passaic and Hempstead'...

Romo Vincent, Hurricane comedy smash, dining with Buster Shaver, Olive and George. Vincent said, 'Pass the Olive.' From now on the act will be known as Buster Shaver and George... No truth to the report that the Ritz Bros. will elope with the Andrews Sisters... Conversation piece. In front of Bond Building: 'Hey Jack, where you working next week?' 'Nowhere—laying off.' 'That's funny—I'm on the same bill...' Willie, West and McGinty, the house builders, booked into the Casa Loma... to tear it down! Longacre Construction Co. agitating... Caught unawares... one of Izzy Grove's acts found putting hollandaise sauce on Izzy's ears... Whatever Became Of—????

Babcock and Dolly.
Al and Fanny Siedman.
Merle's Cokatote.
Boslock's Riding School.
Swartz Bros. Broken Mirror.

Afterpiece

Today I am a newspaperman. My first column—and already I've been booked for Loew's State.

Chan Back to Sleuthing Trip to Spain No Gag, Errol Flynn's Big Suit

Hollywood, Sept. 10.

Charlie Chan continues his film sleuthing at 20th-Fox under a new pact signed by Sidney Toler and his No. 1. Sen Yung. Deal calls for three pictures a year, with annual options.

Studio recently dropped Toler from the contract list, but changed its mind and decided to keep the Oriental mysteries going.

N.Y. to L.A.

Richard Aldrich.
Joe Glaser.
Michael Gordon.
Lou Lipton.
Harry Link.
Mack Millar.
June Preisser.
Franchot Tone.
Andrew D. Weinberger.
William Wyler.

ARRIVALS

Jean Geiringer, Granville Barker.
Leo Lanier, Henry Furst, Arnold Pressburger.

M-G Renews Stewart

Hollywood, Sept. 10.
James Stewart and Metro got together on a new contract, the terms of which were not disclosed. His next job is the lead opposite Hedy Lamarr in 'Come Live With Me.'

FRENCH SHOW BIZ REVIVING

'Variety' Mugg Emeritus Expounds On the Difference Between Mugging

By FRANK SCULLY, V. M. E.
(Variety Mugg Emeritus and Assemblyman Incognito of Hollywood)

Dennis, Mass., Sept. 10. Legit layout as caught at the El Capitan in Hollywood, the Music Box in New York and the Cape Playhouse in Dennis—all in one week—strikes Variety's Mugg Emeritus as just one smash success after another. Even New England churches played to capacity.

What picture houses are doing is still a secret. The only one visited, the Cape Cinema, where they have individual chairs and Rockwell Kent ceilings to keep your mind off the mass entertainment, was visited on Sunday morning and was so nice and cool and quiet and empty that the lack of entertainment wasn't missed at all.

The Cinema theatre is the place on Cape Cod where the tower of the Cape Playhouse throws its searchlight. There must be a tieup here some place, and if the Dies committee finds some connection between Richard Aldrich and Gertrude Lawrence and the Cape Playhouse and the Cinema theatre they will be finding out what others suspected long ago—that cooperation is possible even under capitalism provided only—capitalist is involved.

Having sat before M. Dies himself, your Variety Mugg Emeritus feels he knows what is in this Texas Ranger's mind. Freddie March played a double feature at the Baltimore hotel in Los Angeles before we were ushered into the patriotic presence.

Mr. Dies, in case you haven't seen him using a picture star for a prop, and both posing over the record of "testimony" by, so he, guy called Leech, looks like H. L. Mencken, except that he's about one foot taller physically. Both smoke cigars. Both like to chump show people. Both succeed. Menck does it in his own time, however. Dies has a taxpayer's expense account.

To get away from such a setup, mugs like this Scully move over into the other guy's racket. They

(Continued on page 47)

RADIO CITY'S TOURIST BIZ OFF 22% FROM '39

Despite the biggest Labor Day week end in the history of National Broadcasting Co. radio and television tours in Radio City, Radio City tour business this summer has been off 22% as compared with a year ago.

Heavy decline in travel this summer, doubtless caused by the war, and the fact that there are fewer tourists coming to N. Y. for the World's Fair is blamed for the dip in business. Exposition was responsible for the hefty spurt in business last year, according to tour officials.

Dot Thompson-Kortner Plan N. Y. Rep Troupe

Dorothy Thompson, who collaborated with Fritz Kortner last season on 'Another Sun' which had a brief engagement at the National, N. Y., is reported planning a repertory company in New York with the Austrian playwright-actor. Idea said to be the nebulous stage, with the pair hoping to get it actually under way later this season. No theatre is mentioned for the project.

'Sun' was the first playwright effort for Miss Thompson, but Kortner had an extensive theatrical background on the continent. Miss Thompson's husband, Nobel prize-winner Sinclair Lewis, has also been active in the theatre for a couple of seasons, both as playwright and actor. He also turned out a best-selling novel, 'Bethel Merriday,' with a theatrical background.

Hope Pulls 35,000 To Top Cal. Fair Record

Sacramento, Calif., Sept. 10. Bob Hope is given credit for drawing 35,000 persons to the state fair grounds last Wednesday (4), biggest attendance in the history of the annual event.

Hope and his air crew have been booked into the Frisco auto show Oct. 26 to Nov. 3.

Beauty Pageant Surprises A. C., Proves Big B.O.

Atlantic City, Sept. 10.

Much to the surprise of local amusement men, this year's 'Showmen's Variety Jubilee' was an amazing success, drawing a paid-up gate of 19,100 spectators on the climactic Saturday (7) night when the judges picked the new 'Miss America,' Frances Marie Burke of Philadelphia.

For the first time since A. C.'s beauty pageants were revived in 1935, the show was completely divorced from Frank Gravat's Steel Pier and conducted in the \$15,000,000 Convention Hall, the biggest hall in the world. Many competent amusement men, long experienced in dealing with seashore crowds, had predicted privately that this year's pageant would be a flop. Their reaction (Continued on page 34)

Eddie Garr, Billy House Virtually Set for 'Death Trail' Tour With 'Hellz'

Virtually set for Eddie Garr and Billy House to do the Olsen and Johnson roles in the No. 2 'Hellzapoppin' road tour under the Shuberts' aegis.

It's now the task of the booking office to find auditoriums and theatres of sufficiently large capacity, since the Garr-House tour will embrace the death trail circuit, staying away from any sizeable towns which are being preserved for the original stars when they take the show out next spring.

Mike Gordon's Columbia Pact 'Learn-as-You-Go'

Michael Gordon of the Group Theatre, New York, was signed to a five-year term contract last week by Columbia. Pact is of the 'learn-as-you-go' variety, covering Gordon's possible activities as writer, director, player or anything else on the lot. He flew to the Coast from New York on Sunday (8).

During his five years with the Group, Gordon has served as playwright, director and general trouble-shooter. Before that time he was a director for the Civic Repertory Theatre of New York.

JUNKS JUKE

Todd Switches Billing When Machine Mfrs. Squawk

Automatic Phonograph Manufacturers' Assn. doesn't care for the Group's idea, so Dick Todd recently had to request a change of ad billing outside the State-Lake theatre in Chicago. House had him labelled 'King of the Juke Boxes,' which was changed to 'King of the Automatic Record Machines' after a chiding note to Todd from the Assn. Singer cuts for Bluebird.

PIVOTS AROUND PARIS' UPBEAT

Vichy, Marseilles Becoming Amusement Centers—B.O.s Fairly Good Despite Limited Operations—Spirit of People Low

PLAYS OPENING

By JOSEPH D. RAVOTTO

Paris, Aug. 27. Slowly but surely France's night-life is showing some signs of revival. Although hardly comparable to the traditional gaiety and sparkle of prewar times, Paris nevertheless is showing the way and the upbeat in the past two months is quite noticeable.

Paris is the pivot upon which the country's night and show life is centered, but with France divided into two political zones, Vichy and Marseilles are becoming centers of their own in the amusement industry.

Several variety halls, theatres, danceries and bars have reopened in Paris. Biz is fairly good considering the limited operations. People are slowly returning from the unoccupied zones and with the curfew extended until 11 p.m., more folk are seen about amusing themselves. The great number of German officers and soldiers are to some degree helping along the amusements since they have plenty of money to spend. Life is cheap for them since every mark corresponds to 20 francs. The greatest bar to normalcy, however, is the attitude of the French people themselves. Defeat has taken much out of them. Gone is much of their spirit and lightness. It is impossible to forget with army of occupation present, with food and drink restrictions getting severer day by day, with the threat of air bombing ever present and with the prospect of things getting worse if their former Allies, the British, hold out all winter.

Yet with all that, Sacha Guitry's 'Pasteur' was recently premeed at the Madeleine. 'We Are Not Married' is still holding the center of (Continued on page 18)

SAPOLIOED 'DADDY' SONG OK FOR FILM

Hollywood, Sept. 10. Hays office has consented to allow Mary Martin's 'My Heart Belongs to Daddy' number, which she introduced on the stage in 'Leave It to Me,' to be used in Paramount's 'Love Thy Neighbor.' Purity squad gave in when producer-director Mark Sandrich submitted a detailed sketch showing how the specialty will be delivered in good taste.

Form-fitting gown has been designed with thousands of tan beads over which the actress wears a covering of orchids under an emerald cape. Only the blooms and the wrap will be peeled, and the word 'Daddy' will be stripped of innuendo.

Edelman's Trio at 20th; First Is 'Yankee Doodle'

Hollywood, Sept. 10. Lou Edelman, recently assigned to an associate producership at 20th-Fox, is prepping three features for early shooting. 'Yankee Doodle Goes to Plattsburg' is the first to go. Following are 'School for Soldiers' and 'Eadie Was a Lady.'

Try That On Your Marquee Hollywood, Sept. 10. 'The Old Lady Who Wanted to See Chicago' is the second feature to be made by the newly organized Jupiter Films for Monogram release. Company's first picture, '30 Boys and a Girl,' is now in work.

Paradox of Pix Biz Are \$3 Script Readers Whose Judgment May Dictate Destiny of a \$1,000,000 Prod.

Gloria Stuart Starred In Play by Husband

'Mr. Biz,' by Arthur Sheekman and Margaret Shane, has been sold to the Shuberts for Broadway. Gloria Stuart (Mrs. Sheekman) gets one of the top spots and Joshua Logan directs.

Corio Outstrips Femme Cop in Her Backstage Room

Cambridge, Mass., Sept. 10.

Ann Corio, making the speediest strawhat return engagement last week that this venerable seat of learning has ever experienced, found a policewoman sitting in her dressing room during the final three performances of 'White Cargo' Friday (6) and Saturday. Femme cop said she had a complaint about the peeling of her costume, but it obviously wasn't from the Harvard professional squad because the treasurer declared that never in his career had he experienced so many sedate, elderly gentlemen demanding: 'First row please. I'm very hard of hearing.'

Biz was sellout all week, especially after word got around that with only one line in the first act, 'I am Tonde' (Continued on page 38)

Paul Abraham In Cuba Awaiting Entry Into U. S.; News of Other Refugees

Paul Abraham, prominent German composer, in Paris the last two years, is reported in Havana awaiting entry into the U. S. on a quota. He tuneshimself 'Victoria and Her Hussars,' 'Ball at Savoy' and other Continental renowned musical plays and lectures.

Oscar and Clara Strauss, Austrian refugees, have evacuated Paris for Switzerland. Their son, Walter, is in Lisbon awaiting a Clipper for the United States.

Hugo Bryk, ASCAP's representative on the Continent, who had been interned in a French concentration camp for being technically 'alien,' is now safe in Berne, Switzerland. He's still a very sick man.

Dr. Edmond Pauker, New York agent for many foreign writers, has a writing deal on for Abraham as soon as he gets his U. S. quota number.

Dorothy Lamour Raises 6G for La. Flood Fund


New Orleans, Sept. 10. Sarong which Dorothy Lamour auctioned at food relief benefit show at Haenger theatre here Thursday (5) brought \$175. Paramount actress flew here same day for show. Packed house saw home-celebrity. More than 3,000 customers paid in excess of \$6,000 to see show, proceeds of which went to southwest Louisiana flood victims. Miss Lamour offered her services to Governor Sam H. Jones of Louisiana, who promptly accepted. Actress planned out next morning for Hollywood with her mother, stepfather and secretary. It was her first visit hometown since acquiring fame seven years ago. She was feted by press, civic groups and clubs at joint party before and after show.

One of many paradoxes of the film industry is payment of as little as \$100 to studios for the opinion of an 'outside reader' on which may depend the fate of a production costing \$1,000,000 or more. There are about 35 of these readers employed by eastern story departments of major studios, and more on the Coast, to render judgment on what the industry relies concerning the great bulk of published and unpublished material turned out throughout the world. For their valued opinions, the readers' average earnings, in New York are \$18 to \$20 a week.

In addition to the 'outside readers,' who do their gandering of novels, plays, originals, radio scripts, magazine stories, etc., at home, there are another 20 or so regularly salaried eye-men in the story departments in New York. Their judgment is even more highly appraised and they average \$40 a week. In addition to reading a book and writing an opinion on it, the readers must write a two, three, four-page synopsis, sometimes more.

On these readers, of course, does not devolve the whole responsibility of studio's purchase of a \$50,000 novel. That calls for consultation of entire production staffs, including producers and studio heads. But whether or not these execs ever get to the point of considering a book may largely depend on a \$3 or \$5 opinion. For if the reader doesn't like a story, the studio's consideration will frequently never go beyond that.

\$2 to \$20-Per Work Rates for o.r.s vary from a low of \$2 for originals and short stories to a high of \$15 to \$20 for extremely long novels and synopses. Example of the latter is 'Gone With the Wind,' which would take a 30-page synopsis to cover. And payments of \$20 fees are just about as rare as a 'GWTW.' Average rate for the average com- (Continued on page 45)



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Dave Milgram's Anti-Trust Suit Vs. WB, Philly, May Be Settled

Philadelphia, Sept. 10. The suit filed by Dave Milgram, president of the Affiliated Theatres chain, against the Stanley-Warner company and the major distributors seeking \$110,000 triple damages for an alleged conspiracy to damage several of his houses, may be dropped. The case was scheduled to be tried in U. S. district court here during the week of Sept. 30, but a meeting between attorneys of both sides over the weekend indicated that a settlement was in the offing. Morris Wolf, attorney for Warners, admitted that 'basis for settlement' had already been reached but would divulge no details. He said it would be at least a couple of weeks before the matter would be turned out. Neither Milgram, nor his counsel, Maurice Stern, would comment.

Milgram's suit is one of a series filed here within the last year against the Warner outfit and the majors. In addition to the usual charges of monopoly, Milgram accused the distributors of juggling the zones of the Germantown and Oak Lane areas of Philly to the detriment of his theatres, the Rialto and the Walton.

Tony Sudekum's Cos. Deny

Nashville, Sept. 10. The Crescent Amus. Co. and seven firms the Government alleges is affiliated with the defendant, Tony Sudekum, are denying the charges of monopolistic practices in violation of the anti-trust act and asked dismissal of the suit here Friday (6) in U. S. district court.

Denial and request for dismissal were contained in the firms' answers to a bill of particulars in which the U. S. is plaintiff. Answers were filed within two weeks of receipt of the Government's bill, although 30 days were allowed defendants to answer. Date for hearing of the case has not been set, but likely will be placed on docket for October term of Federal district court.

Defendants uniting in the answer were Crescent, Lyric Amus. Co., Inc., Nu-Strand Corp., Cumberland Amus. Co., Strand Enterprises, Inc., Rockwood Amus., Inc., Cherokee Amus., Inc., Kentucky Amus. Co., and Anthony Sudekum, R. E. Baugh and Kermit C. Stengel.

The Government alleges that for five years the defendant picture exhibitors continuously combined with each other and with each of the defendant distributors unreasonably to restrain interstate trade commerce in motion picture films and to monopolize and to attempt to monopolize the exhibition of motion pictures and the operation of motion picture theatres in the Crescent towns and in other towns in Tennessee, Alabama, Kentucky, Arkansas and Miss. in violation of sections 1 and 2 of the Sherman act. The defendant exhibitors deny that and other material allegations of the bill.

It is also charged that Lyric, Strand, Cumberland, Enterprise, Rockwood, Cherokee, Kentucky Amus. and Muscle Shoals Theatres are affiliated with or controlled by Sudekum, although the answer admits Sudekum owns 50% of the voting stock of some of the defendants' companies.

Also listed as defendants in the suit, brought into court Aug. 11, 1939, are 11 of the nation's top motion picture distributors.

Hollingsworth's Suit

Lincoln, Neb., Sept. 10. Case of Frank Hollingsworth, Beatrice, Neb., exhib against five of the major distributors and Fox-Midwest which charges the defendants joined up to put him out of biz, comes off here this month (15) in federal court. Hollingsworth claims he's triple-damaged \$234,000; that he secured the lease on the Pix in Beatrice when the majors assured him he could be serviced with film; and after the house was leased, they gave him the squeaky.

Hollingsworth's Rialto, a second runner, does not figure in the case.

Flyers Test New Mike

San Antonio, Sept. 10. New type of microphone is being tried out here in the shooting of 'I Wanted Wings' at Randolph Field where U. S. Army flyers earn their wings.

Gene Merritt, sound technician, has worked out a device to concentrate on the players' voices while tuning down the roar of the planes on the nearby landing field.

Korda Among Indie Film Producers Backing Play

Five indie film producers, including Alexander Korda, are backing Morris Helprin and Allen Boretz in their initial venture as legit producers. Pair will put Boretz's 'The Hard Way' on Broadway about mid-November, according to present plans, to be followed by another play not by Boretz, later in the season. Boretz coauthored 'Room Service'.

Helprin, who is taking a leave of absence, Korda's production assistant and head back, to take the flyer into legit, lined up the film coin. It's one of the few times indie prods have been on Broadway plays, the field having been restricted to majors so far as Hollywood went in the past.

Onetime film reviewer for the N.Y. Times, Helprin will continue to supervise exploitation campaign for Korda's forthcoming 'Thief of Baghdad' despite his leave.

'Hard Way' was tried out by the Lakewood Players, Skowhegan, Me., during July. Casting has already started, although no director has been set.

Wanger Calls 'Escapist' Films A Passing Phase

Philadelphia, Sept. 10.

Walter Wanger, here for the opening of his 'Foreign Correspondent' on Friday (8), sounded off his views on the question of why people don't go to see pictures.

'With our market cut in half by the war, something has got to be done by Hollywood to bring the 30,000,000 who never go to pictures into the theatre said Wanger.

'Why don't these millions go to the movies? It's partly the fault of the producers who insist upon aiming at the same audiences over and over, and partly the fault of exhibitors and distributors who prefer to exploit surefire boxoffice hits to more serious productions like 'Of Mice and Men' and 'Dr. Enchilich's Magic Bullet'.

Crises that were once big theatre towns seldom see a flesh and blood show now, but picture exhibitors don't take advantage of the fact that they are no longer in competition to the stage. They advertise everything with a clench.

'They're afraid to give more serious films a chance, so they lose a large part of their potential audience. Something has got to be done and the way to do it is for the producers and exhibitors to work together more closely and intelligently.'

Wanger said he believed the present wave of 'escapist pictures', like the editing of newsreels, was a passing phase. Another serious mistake he said, was the making of too many pictures. Fewer and better films is, he believes, the solution to many of the ills besetting the industry.

'If pictures are good enough, runs can be extended, avoiding the necessity of hit-or-miss films to fill in the gaps,' he said.

Buddy Rogers' Comeback

Hollywood, Sept. 10.

Buddy Rogers is coming back to pictures after an absence of years, drawing the romantic lead in 'Golden Hoofs', 20th-Fox picture starring Jane Withers.

Rogers was washed up his orchestra and will live permanently in Hollywood.

Returning Showfolk, Scribes Stress Nazi Infiltration Into So. America

Ann Miller in Hossy Set

Hollywood, Sept. 10.

Ann Miller, currently doing a featured spot in Republic's 'Hit Parade of 1941', hops on a horse to ride with Gene Autry in 'Melody Ranch'.

Picture is one of the studio's specials, with an elevated budget.

Kate Smith's Radio Tieups For 'Rockne' And 'Brigham Young'

In conjunction with the preem of 'Knute Rockne - All American', which Warners will hold in South Bend, Ind., Oct. 4 on the eve of the opening of the Notre Dame football season, Kate Smith will broadcast her program from there that night, doing excerpts from the picture and using the principal players. She will also kick off the football to start the game next day.

Appearing on the program will be Pat O'Brien, who plays the title part; Donald Crisp, Gale Page and the Notre Dame glee club and band. Crisp and Miss Page have featured roles in the picture. After the broadcast the picture will be premed, simultaneously at several South Bend theatres. Broadcast will be the first time the program has been taken out of New York for a film ballyhoo, for other than 20th Century-Fox picture.

For the show's first broadcast of the season, to take place Sept. 20, Miss Smith will do excerpts from 20th's 'Brigham Young', with Tyrone Power, Dean Jagger, Mary Astor and Linda Darnell coming to New York to guest on the program. All are in the film. Show for the following week, Sept. 27, hasn't been set. Ted Collins was in New York for two days last week to arrange for the two programs, then returned to Lake Placid where he and Miss Smith are remoting their noon commentator series for Grape-Nuts. They will return to New York the beginning of next week.

Jimmy Walker's \$20,000 A Year Clothing Post

Appointment of former Mayor James J. Walker to the post of impartial chairman of the women's cloak industry, a voluntary association of 35,000 employees and 2,000 employers, has prompted numerous messages of congratulation to Walker from show people, with whom he always has been a favorite. New job pays \$20,000 yearly.

He succeeds Sol A. Rosenblatt, the chairman post. Latter was appointed general counsel for the National Democratic Committee.

There have been repeated reports in film circles that Walker was the choice of some of the exhibitor factions to act as one of three members of the appeals board which is being established for the arbitration of disputes under the new consent decree. Reason that his name was brought forward was because of his service to exhibitors as counsel of their national organization in the early 1920s before he was elected Mayor of New York for the first time.

There are no ends of show business with which Walker is unfamiliar, and since his return from England several years ago, where he went to regain his health, he has resumed all his former connections and associations among showmen. Until recently he emceed the WHN-Loew's amateur hour. His intimacies go 'way back' of pre-war and pre-political days, when he was a songwriter—and a good one. He is a member of ASCAP.

PIX SCOUT RADIO KIDLET

San Francisco, Sept. 10.

Screen scouts taking look-see at Virginia Lee Corwin, 24-year-old discovery of Benny Walker's NBC amateur show, Mopet has a repertoire of 27 songs. Instant click on air, youngster's photos already requested by Columbia, with Hal Roach on his way for a personal inspection.

Child's papa runs Javanese restaurant at the Frisco Fair.

So-called 'Nazi infiltration' into South America is being repeated too frequently by returning showfolk from Brazil and Argentina not to have more than casual foundation in fact. Cornelius Vanderbilt, Jr., of VARIETY's roving reporters, besides his regular Liberty magazine staff work, just returned from the Latin belt with vivid details of how German business men have influenced and dominated the cultural and educational aspects as well.

German films, given away gratis, or for next-to-nothing, are further making inroads into the S.A. ket, so far as American pictures are concerned.

This is the winter-going-into-the-spring season below the Equator, and acts who have completed bookings in Rio de Janeiro and Buenos Aires, notably in the Brazilian capital, bring back to the States many details of how the Nazi domination manifest.

Kaltenborn's Expose

H. V. Kaltenborn, in an evening NBC broadcast, explained how the Nazis are forcing American newsreel companies to send German propaganda 'as it is and without change' to South American countries. He declared that 'by the simple device of playing one American company off against the other, Hitler gets what he wants and South Americans get Hitler's propaganda as he wants.' Kaltenborn said the Nazis 'order' American newsreel concerns to ship German propaganda shots to South America with the commentary touched on the threat that if they do not follow instructions they will be deprived of pictures and sequences from Germany. Even where a translation made into Spanish or Portuguese, the 'message' must be left untouched.

Kaltenborn continued that since the newsreels are 'a competitive business, no single company apparently feels strong enough to defy Hitler alone.' Thus, by an application of the old Roman rule of 'divide and conquer', Hitler and the Nazis are making American newsreel companies a medium for propagandizing in South America.

NBC mikes (who rather frequently analyze and discloses German propaganda directed toward America via radio, etc.) on a previous broadcast detailed the German embassy vs. Louis de Rochemont and March of Time tilt about the conclusion of portions of German-made military pictures to which Kaltenborn and Major George Fielding Eliot had added a commentary.

Wyler May Also Figure In WB-Goldwyn Swap

William Wyler has been in constant touch with Sam Goldwyn during the director's sojourn east, dodging with Lillian Hellman at 'Little Foxes' which Wyler will direct. Bette Davis was borrowed from Warner Bros. for the Bankhead role, on a swap whereby WB got Gary Cooper and Walter Brennan for 'Sgt. York'. Incidentally, WB now wants to borrow Wyler as well to direct it, and he may do so, as 'Foxes' can't go into work until the Bankhead play ends its tour. It reopened in Princeton on Monday (9).

Wyler will probably return to the Coast the end of this week.

CORWIN 100% RKO

Buy Up His Fleischer Cartoon Commitment

Hollywood, Sept. 10. Norman Corwin's commitment to direct the dialog for a Max Fleischer cartoon has been bought up and he will continue his writing stint at RKO through Sept. 26. RKO again offered him a seven-year writer-director-producer contract similar to the one he turned down last spring, but he again nixed it.

Scripter is writing the season's opening program for DuPont's 'Cavalcade of America' and the second show off next on Gold-Screen Guild series. Former will be story about Ann Rutledge, with Norma Shearer, Olivia De Havilland and Margaret Sullivan mentioned for the lead. Latter will be an adaptation of 'Shop Around the Corner,' with Miss Sullivan, James Stewart and Frank Morgan.

Other News Pertaining to Pictures

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HOLD OVER HEADACHES

Doubt Intervention Aspect

Film industry jurists are regarding the intention of exhibitor groups to attempt legal interference with the acceptance by Judge Henry W. Goddard, in N. Y. federal court, of the terms of the consent decree, ending the film anti-trust suit, with slight enthusiasm for the success of their efforts. It is extremely rare, they say, when a Federal court acts favorably on any petition for intervention.

Present administration of the Department of Justice, and particularly the anti-trust division, under Thurman Arnold, has vigorously opposed any intervention suits. Such opposition does not necessarily sway the court's consideration, but when two parties to litigation have agreed upon a course of future action, the outsiders' viewpoint is not seriously considered, at least until after a trial period.

U. S. Supreme Court dismissed petition by California Cooperative Carriers asking modification of the anti-trust decree in the Chicago packers' case. Ground for pleading was that terms of decree brought about cancellation of substantial order for merchandise.

Several manufacturing interests in the radio equipment field sought modification of the consent decree reached in the anti-trust suit against the larger radio companies, but the application was denied.

There is pending before the U. S. Supreme Court currently, with likely decision early this fall, an intervention motion in the Columbia Gas & Electric anti-trust case. Action was brought by the Missouri-Kansas Pipe Line, not a party to the anti-trust litigation.

Some legal advisers of exhibitor interests have suggested a petition to Judge Goddard containing several thousand names of theatre operators who object to the five-picture group plan of selling and request a sales plan which will include liberal cancellation.

In his remarks to exhibitor groups that he invited to Washington last week to express their ideas on the consent decree, Arnold said that he would encourage them also to inform Judge Goddard of their objections, if any. He said also that the Department of Justice reserved, of course, the right to object to the objections.

NEW SEASON'S SALES ANGLES

Extended First Runs At Slightly Advanced Prices, Create Demands for Longer Clearances—On the Other Hand, Subsequents Ask Concessions

PIX PILING UP

Home office sales departments of the major distributors are confronted with new angles of the clearance problem in connection with closing of contracts for the new season's product. Extended first runs of the better films at slightly advanced admission prices are bringing demands from the key houses for longer clearances over subsequent bookings. On the other hand, the second runs are asking for rental concessions and a speeding up of release dates in order to take up the slack occasioned by holdovers.

With arbitration of clearances, as provided under the consent decree which will soon wind up the government's anti-trust suit against major film companies, postponed until the selling season of 1941-42, buyers for some of the larger independent theatre circuits are driving for the most favorable terms of clearance possible. Their argument is that with longer protections over subsequent runs they can lift boxoffice prices on the outstanding films and consequently pay higher film rentals on percentage engagements. Where such protections are in excess of prevailing allowances, the advantages cannot be upset by arbitration until next year.

In immediate prospect are a number of films which give promise of extended engagements. In first-run houses during the fall months, 'Bonnie Town' (M-G) continues to ring up figures which place its boxoffice gross above last season's big winner 'Rebecca' (Selznick-UA). Latter slid in and out of several important key spots early in its release without registering as heavily as it did later on, following the tremendous success of the Radio City Music Hall first-run engagement which extended six weeks.

Congested Situations

Although first-run bookings in New York, Chicago and Los Angeles are congested because of holdovers, distributing heads are resolved not to be caught off guard by any general release of smash hits before the films are properly advertised and exhibitors generally advised of their potentialities. Metro is cashing in on the four-week big business which 'Pride and Prejudice' registered at the Music Hall. It is no secret that the big biz done (Continued on page 18)

Five-Picture Group Selling Plan, In Proposed U.S. Consent Decree, Will Stand Despite Exhib Beefs

3 Years' Grace

Washington, Sept. 10.

Latest draft of the consent decree terms, now being considered finally by the Department of Justice and which will terminate the film anti-trust case, contains the clause permitting the Government to reopen the case within three years. Paragraph now reads:

'It is understood that the proposals set forth above shall be given a three-year trial. During such three-year period the Government will not seek to obtain the divorcement of exhibition from production and distribution. At the end of the three-year trial period the Government shall be free to apply to the Court for divorcement if it seems such divorcement necessary to restore competitive conditions in the industry.'

Washington, Sept. 10.

The five-picture group selling plan, which is the Government's proposed cure for the ills of blockbooking of motion pictures, will remain in the consent decree which is being whipped into final shape for early presentation to Judge Henry W. Goddard, in the N. Y. federal court. With the court's approval the decree will become effective immediately for a period of three years. The Department of Justice has reserved the right to reopen the case after three years and seek to obtain divorcement of exhibition from distribution and production. If divorcement seems necessary to restore competitive conditions in the industry.

Decision to retain the five-picture group plan will be a disappointment to many exhibitors who have petitioned the Government within the past two weeks pleading for substitution of a liberal cancellation provision in place of the much disputed clause No. 3, which is being vigorously attacked. Officially, Thurman W. Arnold, head of the anti-trust division of the Justice Department, has not indicated his decision, or his recommendation to Attorney General Jackson, as to retention of the group proposal. The opinion prevails here that the consent decree, as approved on Aug. 2, last, and subsequently amended to include the revised 'escape' clause, and the three-year divorcement exemption, will be submitted to the court without modification of any of the contentious provisions.

Arnold has stated he will not oppose the appearance of exhibitor protests before Judge Goddard when the decree is presented to the court for approval. Either he, or one of his assistants, will be on hand to argue against any revisions or changes, but the final determination of the decree controversy will be left for Judge Goddard to decide.

Head trust-buster is reported to have declared to exhibitors that the anti-trust division positively will not reopen negotiations for changes in the consent decree with the five defendant film companies which have signified their acceptance of the terms. He has indicated three courses of action remain for him to take. He said he can reject the decree as it stands; resume trial of the suit or ask the Court for dismissal of the action.

Although exhibitor opposition is growing, judging from the letters of protest which continue to pour into the Department following last week's meeting with exhibitor leaders, the objections are said to be unsound, or a misinterpretation of the intent of the clause regulating the five-picture selling plan.

It is the unanimous plaint of the objectors that a liberal cancellation (Continued on page 18)

NAZIS ABANDON BEEF ON M.O.T. 'RAMPARTS'

German government has apparently lost its first American battle of the war. March of Time is the victor. Nazis, it appears, are giving up their fight to prevent footage from UFA's 'Baptism of Fire' being included in MOT's initial feature release, 'Ramparts We Watch'.

Although no definite indication has been given by the German's attorneys that they are walking out on the fight, more than a week has passed since they threatened to take it to court and no suit has yet been filed nor has there been a followup on the intimidation of exhibitors which MOT charged. Decisive point, no doubt, has been the American producer's revelation that 'Baptism' was never copyrighted in this country.

Had 'Baptism' been copyrighted, according to MOT's attorneys, it would have been protected by American law, despite the fact that it was turned over to MOT by the British government after having been removed as contraband from an American Clipper at Bermuda. As it is, 'Ramparts' is now playing in numerous spots without interference.

Another indication of the end of Nazi fight here came last week when Baron Ulrich von Gienanth, second secretary of the Germany Embassy, called MOT's Washington rep in to inform him that the Nazi government is dropping its interest in the matter and it is now purely a controversy between UFA and MOT.

What has the Germans burned up about the whole affair is not use of the film without payment, but the fact that MOT's commentary has completely switched it from Nazi to anti-Nazi propaganda.

Goldwyn's Charity Encore

Hollywood, Sept. 10.

Samuel Goldwyn's committee, which handled the Red Cross drive as representative of the motion picture industry, is continuing in its efforts for the forthcoming Community Chest drive.

Y. Frank Freeman, president of the Producers Association, announced that the same committee would carry on. Goldwyn is calling a meeting of the 28 members this week to lay plans for the new work.

Pa. Censor Head States 'They're Running Wild on Coast Right Now'

Philadelphia, Sept. 10.

Mrs. Edna Carroll, chairman of the Pennsylvania Board of Motion Picture Censors, last week declared that Hollywood had let down the bars and was inserting scenes hitherto banned by film companies and the Will Hays organization.

'I don't know whether the break-down of restraint by the film people is due to the war or not,' Mrs. Carroll said, 'but it is increasingly apparent that this is the case.'

Although she would not name any specific pictures which contained 'offensive scenes,' she said the censor board was obliged to delete more footage in recent months than ever before. She explained that it was against the policy of the censors to single out any film company for public censure.

At one time, she said, the Hays' organization made the censors' job comparatively simple. With the industry policing itself, it required very little sniping by the board to pass American-made product.

'But they're running wild on the Coast right now,' she declared.

The additional burdens of the censors have been offset a bit by the slackening of foreign films because of the war, she said. European pix, which don't get the Hays' office treatment, were the chief headaches of the local pig-ganderers.

The present Penns censors have been extremely liberal since their appointment a little more than a year ago. Their snipping record has been much lower than previous boards. However the first indication that they were having troubles came late last spring when Paramount's 'Typhoon' was held up for several weeks before it was okayed. Chief objection was a scene of Dorothy Lamour bathing sans satong.

Detroit May OK 'Cargo'

Detroit, Sept. 10.

There is evidence that, with lusty slashing, 'Strange Cargo' may finally get by the police censors here, but there is no hope for 'Primrose Path'.

It was the banning of this pair of pictures last March by the police on the grounds they both were 'immoral and indecent' which brought on a national uproar. Recently it had seemed that maybe the police here were becoming more tolerant since they refused a chance to increase their censorship powers.

This was provided when women's organizations asked the City Council to give the police more powers in kicking out pictures which seemed to be war-mongering or subversive. The police department itself turned (Continued on page 18)

Lay-Off Sol

Hollywood, Sept. 10.

'Don't monkey with California sunshine' is the slogan of studio publicity directors, who have appointed Frank Seltzer, a committee of one to work with West Coast theatre operators about the proposed daylight savings bill.

Seltzer is chief of Hal Roach's slack department.

SEE BATTLE ON 'PASTOR HALL' BAN IN CHI

Chicago, Sept. 10.

'Pastor Hall,' foreign-made flicker being distributed in this country by James Roosevelt, has been banned by the Chicago police censorship board. Picture, which is based on life of Rev. Martin Miemoeller, who was imprisoned in Germany for challenging the Nazi government, was refused a permit because it would 'wield undesirable influence' as result of its controversial nature.

Battle over this ban looms, with patriotic societies indicating that they will get into the situation to obtain an okay for the flicker. These societies have made particular issue over the fact that the German propaganda picture, 'Blitzkrieg in Poland,' was passed by the censors and is now showing in a northside theatre in the German district of town.

Piracy Suit Squared

Los Angeles, Sept. 10.

Plagiarism suit for \$75,000 against Metro was settled by an out-of-court agreement with Frank Lloyd and George King, authors.

Action was based on 'Babes in Arms,' in which the studio used the title, but little of the original material.

PUNCH AWAY, SLAPSY

Hollywood, Sept. 10.

'Sockaroon,' a pugilistic two-reeler, is Maxie Rosenbloom's next starlet at Warners.

Picture starts Sept. 18, with B. Reeves Eason directing.

STAGGER PROD. ON 10 AT RKO

Hollywood, Sept. 10.

RKO is staggering work on its sets to take care of the heavy production schedule for fall and winter release. Some of the shooting is being done at the RKO-Pathe plant in Culver City.

At work are six high-budget pictures and four more scheduled to start this month. Before the cameras are 'Kitty Foyle,' 'Mr. and Mrs. Smith,' 'Citizen Kane,' 'Little Man, No, No, Nanette' and 'You'll Find Out.' Slated to start soon are 'Three Girls and a Goby,' 'Mr. Pinkie,' 'Melvina Swings In' and 'Debutante, Inc.'

Harold Lloyd signed Lucille Ball for the femme lead in 'Three Girls and a Goby.' Richard Wallace directs.

DISTRIBS 'GETTING HUNK' ON SECY ICKES

Hollywood, Sept. 10.

Distributors are remaining 'bust' to Department of Interior's forester, 'Hydro,' propaganda film for Government dams and power plants for which Secretary Ickes is seeking major release.

Picture-makers haven't forgotten the bite Ickes put on studios for using national parks as location sites.

Hays Back to N. Y.

Will Hays is due in New York from the Coast in time for the third quarterly meeting of the MPPDA directors, which originally was scheduled for today (Wednesday).

Because of the absence of several directors from New York, this director's meeting probably will be postponed until some time next week.

Blue-Nosers Give Up Anti-Sunday Pix Battle in Philly; Not Elsewhere

Philadelphia, Sept. 10. Rev. William B. Forney, general secretary of the Lord's Day Alliance, militant Pennsylvania blue-nose outfit, has given up hope of voting out Sunday films in Philadelphia during this coming election. Dr. Forney announced last Friday (6) that he was dropping his plans to place the Sunday picture referendum on the Philly ballots "at least until 1941." He said that his organization was ready to file petitions for the referendum but decided that this was not an opportune time.

"After thorough investigation and much consideration of the political situation and other important issues in the public mind today, we have reached the conclusion it is not wise to put the referendum on the ballot in Philadelphia until 1941," he said.

The war and the hot political campaign has buried Dr. Forney's anti-Sunday film fight as far as newspaper and radio publicity is concerned.

However this question will be voted upon in eight nearby communities in which Sunday pix are now banned. They are Norristown, Jenkintown, Abington Township, Ambler, Conshohocken, Narberth, Pennsbury and East Greenville. Under the law, Sunday pictures in Pennsylvania are permitted only in communities where the voters declare in favor of them in a referendum. Such votes cannot be taken more than once in every five years. The first such referendums were held in 1935 when the State-wide Blue Laws against pictures were repealed.

Pitt's Drive

Pittsburgh, Sept. 10. Circuit heads, exhibs and distributors Western Pennsylvania hard at work these days, trying to swing Sunday film referendum in their favor in flock of communities where it was voted down in 1935. State law says vote can be taken on every day week only every five years and at least 25 towns and boroughs in this district will ballot on it in November.

In and around Pittsburgh proper, Natrona Heights, Beaver Falls, Butler, Crafton, Derry, New Castle, Indiana, Wilkinsburg, etc., are either approving referendum or shelve it again until 1945 while in the district, Altoona, Leechburg, Brackenridge, Ebensburg, Hollidaysburg, Lock Haven, Latrobe, Blairsville, Rochester and Homer City have obtained enough petitions to have the issue placed on the ballot.

Rensselaer's Move

Rensselaer, N. Y., Sept. 10. Revival of the movement to lift the ban on Sunday pix in Rensselaer, believed to be the only upstate city with such a prohibition, has been undertaken. This time with the support of Mayor Marshall Rose. A year ago, William T. Wright, then Republican chief executive, vetoed an ordinance of the kind, after the Common Council passed it. Wright, who made quite an issue of the matter, was not re-elected, although his stand on Sunday pictures was not considered the deciding factor in his defeat.

Last week, acting majority leader Joseph T. Distell introduced an ordinance amending the present law, so to permit picture shows after 2 p.m. He moved its immediate passage. The vote was 6 to 3 in favor of the ordinance, but unanimous approval was necessary. After a discussion, the councilmen decided to lay the ordinance on the table for two weeks. A public hearing will be held prior to the Sept. 18 session. Several councilmen expressed the opinion local residents were going to Albany or Troy to see Sunday shows. Mayor Rose announced his support of the ordinance, after the session. It is claimed that the city's only theatre, the Bright Spot (closed since last spring), can now operate profitably without Sunday shows.

St. Clair Directs

New 'Higgins' Voted

Hollywood, Sept. 10. Mal St. Clair directs the next 'Higgins' picture, slated to start Sept. 16 at Republic with Robert North producing.

Roscoe Karns and Ruth Donnelly replace James and Lucille Gleason in the top roles.

VIENNA FILM CO. SUES M-G FOR 10G ON REMAKE

A suit by Kurt Pilzer, as assignee of a Vienna motion picture production company called Walter Reich Filmgesellschaft, against Loew's, Inc., for \$10,000 damages, claiming breach of contract, was revealed yesterday (Tuesday) in N. Y. supreme court when the plaintiff sought a preference date of Sept. 23 for trial.

It is alleged that Metro purchased the rights to a remake of 'Silhouettes', film produced by the plaintiff corporation, and agreed to pay \$10,000 for it. After a print was delivered Metro, changed its mind, and refused to consummate the deal. A. Walter Socolow represents the plaintiff.

U'S 39-WEEK NET AT \$2,161,804

Universal consolidated net earnings totaled \$2,161,804 for the 39 weeks ended July 27 last, according to the company statement issued yesterday (Tuesday). This compares with \$989,995 for the corresponding 39 weeks ending July 29, 1939. U had a net loss of \$773,247 in comparable period two years ago.

After making provision for reserve of \$10,000 per week or \$390,000 because of decline in foreign business, Universal net earnings for the 39 weeks amounted to \$1,771,804. Deductions for Federal income taxes are not included in any of the figures for this year.

Third quarter earnings, for the nine-month period ended July 27, amounted to \$769,602 before Federal income taxes and special amortization reserve. This compares with \$250,417, similarly computed, for the third quarter last year and a net loss of \$184,964 for the third quarter two years ago.

J. Cheever Cowdin officially revealed in connection with the statement that the special amortization reserve, established in the first quarter at \$5,000 weekly, subsequently increased to \$8,000, had been further increased to \$10,000 per week, retroactive to the start of Universal's fiscal year.

The monthly meeting of Universal directors, originally slated for last week, will be held tomorrow (Thursday). It was delayed because of the absence of Cowdin, Nate Blumberg and C. D. Pritzman.

Cowdin estimated Universal earnings for the fiscal year ending next October at \$2,025,000 when he reported before senate committee in Washington. This estimate probably included year-end writeoffs and full deduction of \$10,000 per week for the special amortization fund, since Universal still has August, September and October business to be added to the present \$1,771,804 for the first three quarters.

Scribes Speed 'Topper', Roach Studio Reopening

Hollywood, Sept. 10.

Hal Roach whittled two weeks off his sista and is reopening his studio Oct. 1, instead of Oct. 15, for the shooting of 'Topper Returns'. The picture is so far advanced that the picture can go into work a fortnight before the original estimate.

Speedy writing was done by Jonathan Latimer and Gordon Douglas. Roy Del Ruth directs.

Crew of 10 technicians, headed by Hal Roach, Jr., and Frank Young, climbs aboard a Pennsylvania Railroad work train in Chicago tomorrow (Wed.) for two weeks of background lensing on 'Broadway Limited'. Picture follows 'Topper Returns'.

RKO Beckons McCrea

Hollywood, Sept. 10.

RKO ordered Joel McCrea to report Oct. 15 to start work in the Robert Sisk production, 'Valley of the Sun'.

Picture is based on a novel by Clarence Budington Kelland.

Studio Contracts

Hollywood, Sept. 10.

Warners renewed Lucia Carroll's player ticket.

20th-Fox exercised its option on Mary Beth Hughes.

Charles Hoffman inked writing deal at Metro.

Frank Wilcox renewed at Warners.

Near Race Riot When

Ofay Displaces Negro Theatre Manager in S.C.

Spartanburg, S. C., Sept. 10.

A near race riot ensued Monday night (9) when more than 1,000 Negroes ganged the Negro theatre at Elizabeth City, N. C., protesting replacement of the Negro manager with a white man. Coast Guardsman F. R. Reggio, one of 25 officers called to patrol area, was attacked in his car and injured. Squad police, firemen, highway patrolmen then answered call, reporting they were pelted with rocks on reaching scene.

Mayor Jerome Flora, called to riot, asked Negroes to leave and send him a grievance committee. All but 500 scrambled, cops said, and these began throwing rocks again. Hand grenades and sub-machine guns were brought up and mob dispersed. Several arrests were made.

TALK-A-VISION PLANS

EARLY JUKEBOX PROD.

Talk-A-Vision expects to go into jukebox pix production in about a week, most likely at West Coast sound studios on West 57th street, N. Y. Talk-A-Vision is the company headed by John E. Otterson, former Electrical Research Products president, with Yermi Stern as executive vice-president.

C. W. Burn, formerly general sales manager for ERFPI, also has joined Talk-A-Vision, presently heading the service division and sales.

First batch of 25 Phenovision machines is set to arrive in New York this week. Nickel-in-the-slot film boxes, being put out by the Frank Orsatti-Sam Sax setup, will be sent to franchise-holders throughout the country to enable them to take orders from operators who will put them in locations.

No film has been made for the machines as yet and plans on this score are still pretty indefinite, according to Sax. Decision is yet to be made between using former Paramount studios in Astoria, L. I., and Fox-Movietone layout in Manhattan. Orsatti is on the Coast lining up talent and talking with possible franchise-holders for western territories.

Visionola, new firm for the production of slot machine films and exhibitor equipment, has been formed by George Orth. Outfit plans production in the east and is signing acts and bands.

More Jukebox Pix Prod.

Hollywood, Sept. 10.

Neil McGuire and Frank Shea have organized Consolidated Producers Alliance to produce and distribute slot machine films.

In a deal with Phono-Films, the company agrees to deliver six subjects weekly for one year.

Back With Knuckles Bared

Hollywood, Sept. 10.

Jackie Cooper goes back to his cinematic birthplace at Metro to play 'Fighting Sons', a kid murder drama which starts today (Tuesday), George B. Seitz directing.

Frederick Stephani produces and Gene Reynolds plays one of the top roles.

Other Contracts

Audy Devine drew one-year renewal at Universal.

20th-Fox lifted Lynn Bari's option.

Jeanne Kelly inked acting ticket at Universal.

Ted North was handed a renewal of his player-pact at 20th-Fox.

Lynne Roberts drew a new option and a new name at 20th-Fox. She was Mary Hart.

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NW Allied Claims Selling Stalled But Exchanges Hold Otherwise

CACTUS PIX AIMED

FOR SO. AMERICA

Hollywood, Sept. 10.

Backed by New York capital, Inspiration Productions has been formed to make six 'Cactus Cavaliers' action pictures aimed at the South American market. Duncan Renaldo, Bob Livingston and Raymond Hatton, formerly the 'Three Mesquites' at Republic, will be featured. Pictures are to be budgeted at around \$200,000, with major release being negotiated. Two of the films would be made at Rio and Buenos Aires.

CHAPLIN IN 3 B'WAY HOUSES?

With Charles Chaplin's 'The Great Dictator' all completed and set for release within a few weeks, United Artists is still seeking a house for the national preem, which will be in New York. Latest deal to be laid before UA is by Brandt Bros., who are offering a three-play, day-and-date showing on Broadway. They will make available the Globe and Central, which they control, and the Rialto, of which they own a small piece, for a 24-hour grind policy at \$1.10 top at all times. Harry Brandt estimates the total take possible under such a setup would be \$125,000 a week.

Hollywood theatre, owned by Warner Bros., is also being talked as a possibility for 'Dictator'. It is now empty and available. Also mentioned has been the Astor, where 'Gone With the Wind' has been playing since last December, although Metro is understood to have another picture in mind to replace 'Wind'. The Rivoli also wants the film.

Chicago will be scene of the second showing of 'Dictator' after which it will go into general release. Program was worked out in Hollywood last week in confab with Chaplin, Alf Reeves, his g.m.; Murray Silverstone, UA chief, and Harry Gold and Jack Schaefer, UA salesmen. Gold came back to New York Monday (9) to attempt to settle the house question, while Schaefer took the same problem to Chicago. Silverstone is due in the end of the week.

Chaplin's first talker, which cost \$220,000, took two years to produce and runs two hours and 25 minutes, is figured good for at least 20 weeks in a \$2 house, or a minimum of six weeks on a grind policy in any house in New York. In Los Angeles it is probable that the show will go into the Carthay Circle for its California debut.

After the Manhattan opening, Chaplin, himself, will decide what tariff will be asked from exhibitors for general release and what admission prices will be charged for the first showing. Murray Silverstone is working on a deal between the eastern sales heads of UA and Chaplin on the initial screenings in that sector.

UA has been working up an advertising and exploitation campaign for months and is ready to break out with one of its most extensive splurges as soon as the opening dates are settled in New York and Chicago.

F.D.R. Seeing 'Dictator'

Hollywood, Sept. 10.

President Roosevelt gets a private screening of 'The Dictator' immediately after the New York premiere late this month.

Murray Silverstone arranged for the White House showing and Charlie Chaplin will personally escort the print.

Line Forms at Left

Hollywood, Sept. 10.

Shift of Monogram's home offices from New York to the Coast means about 50 openings for office workers in Hollywood. Only department heads and a few clerical employees are being moved west.

W. Ray Johnston, president, is here to supervise the establishment of new quarters.

Minneapolis, Sept. 10.

Counterclaims regarding film buying continue to pour out of the east posing camps here. While branch managers insist that sales are running even with those of last year up to this time, Fred Strom, Northwest Allied secretary, contends that 'reliable information' furnished to his office by individual members in response to a questionnaire shows that at least 85% of the territory's independent exhibitors are following the organization's instructions to refrain from entering into any 1940-41 film contracts until such a time as the distributors 'listen' to reason and lower their terms. The theatre owners are turning their backs on the salesmen, says Strom.

It is known, however, that the Frank Woempner chain, one of the territory's largest and most successful independent circuits, comprising approximately 15 theatres including more than a half-dozen in the Twin Cities, has made a deal for Metro after being without that product the past year. W. M. Frank, head of the circuit, a former Northwest Allied president, and one of its most prominent members, admitted at a recent meeting of the body that it 'hurt' not to have M-G in 1939-40.

Strom says that the vast majority of the independent exhibitors are willing to carry their films for several months without doing any buying. A mass protest closing of all theatres also has been threatened for this month.

Three major company heads even say that 'selling exceeds expectations,' the local head of one company asserting that 'sales of the last three weeks were among the most active in the branch's history.'

Rep Pix Into WB Coast Houses

Hollywood, Sept. 10.

All the Republic pictures on the 1940-41 program are consigned to showing in the Warners West Coast theatres, under a deal, closed by James R. Grainger and Francis Bateman for Rep, and Lou Helper and Port Major, representing Warners.

Sales deal had been on the air for the last three weeks.

20th-Fox All Set in Det.

Detroit, Sept. 10.

All major contracts for the season have been lined up here by 20th Century-Fox, according to manager Lester Stumm, thus completing major selling activities. In Detroit, as in the past, the first-run contracts are signed with the Fox taking the 'A' pictures and the Adams getting the holdovers and other product.

Among the others on the list are Co-operative, Butterfield and the Schulte circuit.

Rep's New England Deal

Republic has closed with Maine & New Hampshire Theatres for its 1940-41 product. J. R. Grainger and John J. Ford, general manager of chain, handled deal. It was closed by M. E. Morey, Boston branch manager for the picture company, and W. J. Sullivan for the circuit.

Kent Drive OK

Advance rentals are featuring the S. R. Kent sales drive which 20th-Fox started four weeks ago. Campaign has 14 weeks yet to run.

Thus far, Canadian branches have been showing the most surprising pickups in net biz.

One Mpls. House Finds Patrons Want War Pix

Minneapolis, Sept. 10.

Customers don't want a complete escape from the war when they attend pix here, according to the conclusions of Minnesota Amus. (Paramount), and, as a result, newsreel shots of the hostilities again are being shown at the Gopher theatre. For a test all newsreel war shots and everything pertaining to warfare were excluded from the Gopher screen for a four-week period. Moreover, considerable publicity was given to the policy.

It apparently didn't help business at all, and there were many protests from patrons against the scissoring of the newsreels, explains manager Roy Slentz.

CUT-PRICE ADMISH MOVES

Producers Approve Proposal To Drop 2,000 From Extra Rolls

Hollywood, Sept. 10. Proposal to drop 2,000 from the extra rolls has been approved by the producers and, after legal review, has been made, will be submitted to the Screen Actors Guild at the board meeting Friday (13). Not likely that any action will be taken by that body until after the election Sunday (15), when new directors will be seated.

SAG leaders are committed to pruning the day-player list. Understand that Guild attorneys drafted a plan which would eliminate any grounds for successful appeal to the National Labor Relations Board. Likely that the first batch to be dropped will be those earning under \$10 daily for the last year. Object is to reduce the list to around 3,000, which would suffice for the industry and assure them a livelihood.

Buzzell In, SAG Out
Screen Actors Guild pulled out of the Central Labor Council in Los Angeles following the reelection of W. Buzzell as secretary-treasurer of the Council. It was generally understood that the Guild would take this step if Buzzell won the ballot. SAG withdrew months ago when Buzzell sponsored a resolution asking the Chicago Federation of Labor to help Willie Bioff in his attempt to avoid a prison sentence, but reentered the fold with the sole idea of overcoming Buzzell influence.

Talk among SAG members of walking out of the American Federation of Labor is still in the conversation stage, but several leaders insist that the Guild has been getting opposition instead of support from the AFL. They admit that the parent body did back up the actors when the International Alliance of Theatrical Stage Employees attempted to take them over, but declare that the action was forced by the thespians themselves.

Dave Lory has been retained as president and business representative of Laboratory Technicians Local 688, meaning the loss of technical control of that group by IATSE. While the local is still subject to IATSE rules, the election was a decisive victory over the IA tops who had fought to gain control. John Martin and Norman Crutcher, progressives, were chosen v.p. and secretary-treasurer, respectively, defeating the IA candidates.

Local 688, one of the largest studio unions, is not fighting against IA, particularly, but favors a clean-cut autonomous union, operated for the interests of the members and free from any taint of gangster rule.

An election of studio scenic artists was ordered by National Labor Relations Board to designate a collective bargaining representative. A ballot to be taken within 30 days, was ordered on petition of Moving Picture Painters Local 644, which claims to represent a majority of artists in the film industry. Opposing group is the Scenic Artists Association, Inc.

BEETSON REINS ON CASTING'S PHILBRICK

Hollywood, Sept. 10. Producers Association has moved Fred Beetson into active charge of Central Casting making general manager Howard Philbrick accountable to him.

Beetson long held the title of Central's president but took little part in operation.

'Tugboat' Limp In

Hollywood, Sept. 10. Second of the 'Tugboat' series, starring Marjorie Rameau, hits the water in three weeks under the title, 'Tugboat Annie in Drydock'. Final script is being touched up by Walter DeLeon.

Tone Up 'Trail'

Hollywood, Sept. 10. Franchot Tone signed with Universal for one of the leads in the pioneer play, 'Trail of the Vigilantes'. Filming starts in two weeks.

Par's Tax Suit Vs. N. Y. C.

Paramount Pictures filed a N.Y. supreme court action Thursday (5) against the Tax Commission of the City of N.Y., claiming it was over-assessed \$30,000 on property located at 544 West 43d street, N.Y. Justice Ferdinand Pecora ordered the Commission to appear on Sept. 23 and defend its assessment.

The property, a five-story film laboratory building, was assessed at \$165,000, which the film company claims is \$30,000 too much.

Alleges All But WB Ignores NW On Curbing Duals

Minneapolis, Sept. 10. Only one company, Warners, has taken any cognizance of the Northwest Allied demand that the distributors aid in killing off the double feature menace now becoming a threat again in this territory and that company declares that it is powerless in the matter, according to Fred Strom, executive secretary. The other companies, he said, have ignored the body, not even showing the courtesy to answer its communication.

At the same time, Strom declares, members will stand fast in their determination not to show any picture at their theatres which previously has been double-billed at any theatre in the territory. If necessary, he asserts, the association will make a test court case of the matter.

Strom says the association takes the same position as that of Murray Silverstone, United Artists head, that the companies, if they were so minded, could break down the dual bill 'evil' by taking one case of contract infraction at a time and fighting it in the courts. The association, he asserts, wants an anti-double feature clause in every contract applicable to each individual picture specifically. In all instances, it feels, there are certain circumstances which might make such a clause enforceable, even though the courts have ruled against the double feature ban generally.

FLORA ROBSON WOULD STAR IN WB'S 'LADIES'

Hollywood, Sept. 10. 'Ladies in Retirement' is edging toward the screen through a deal now being negotiated by Warners and Gilbert Miller. The stage play is currently running in San Francisco, with Flora Robson in the top role.

If negotiations fall, Miss Robson will star in the picture. Her last screen role was Queen Elizabeth in 'The Sea Hawk' at Warners.

Charge Product Blocked, Sue Circuits for 245G

Los Angeles, Sept. 10. Intercoast Amusements filed a suit demanding triple damages of \$225,000, plus \$20,000 in attorney fees from Golden State and T. & D. Junior theatre circuits in U. S. District Court, charging violations of the Sherman and Clayton anti-trust acts.

Complaint charges conspiracy to deprive the Tower theatre, Santa Rosa, Calif., of adequate film product. House, a 897-seater, was built last fall at a total investment of close to \$150,000.

ONE IDEA IS TO WOO KIDS BACK

Another Indie Frankly Would Make Pix a 'Dime and 15c Entertainment Again'—Others Charged With Gypping on Daytime Scales

CHIEFLY IN N.W.

Minneapolis, Sept. 10. Minnesota Amus. Co. (Par) is trying out a scheme of reduced admissions for minors over 12 years and under 18 who are over the dime kids' price limit and compelled to pay full adult prices. In houses charging 36c for adults there'll be a special youngsters' price of 20c, including tax, for the 'in-betweens.' John J. Friedl, president of this Paramount affiliated circuit, says the plan represents an effort to bring back 'into the fold' minors between the ages of 12 and 17 who have deserted from attending films because they're over the 10c age limit and can't afford to pay the full adult price. He's calling it a special 'student rate' and trying it out first in southern Minnesota and South Dakota.

Kaplan's 10-15c. Proposal

Minneapolis, Sept. 10. Abe Kaplan, one of the most successful Twin City independent circuit owners, wants to lead a movement to make films dime and 15c entertainment again. He would have production and other costs slashed in half and considerable amounts of investments written off. Such a procedure, he believes, would result in a great comeback for the motion picture industry which is now 'dying on its feet.'

Kaplan will ask for a meeting of Northwest Allied to consider what steps can be taken to accomplish his goal. He proposes to have the organization take the initiative in the matter. 'One of the troubles with the film industry today is that it got out of hand,' says Kaplan. 'Obsessed with its own importance, it went to extremes—became too elaborate. Prosperity made it a spendthrift. It isn't the money spent on pictures that makes them bad. Production costs could be cut in two without damaging quality seriously. And if executives, stars, directors and other topnotch talent connected with the industry received half, or less, of their present compensation, they'd still be generously paid.'

'The costs of the de luxe theatres will have to be written off. The large affiliated circuits are responsible for the palaces which have been built to house movies and which necessitate high admissions. Independent neighborhood owners, fearful that their patrons would be attracted away from them, had to follow suit and construct de luxe houses.'

'What made the movies great business—and highly profitable one—was the low admission. The dime scale permitted the entire family to attend regularly. However, the movies are becoming more and more a luxury—out of reach of the average family's purse as regular fare. That's the main reason why film theatres are losing their patronage.'

Early-Price Dodge

Milwaukee, Sept. 10. Exhibs here are wailing over price-cutting on early admissions to the nabes and declare that unless reform is brought about in round-table discussion, what has become an intolerable situation, they will take the matter to the courts. The Independent Theatre Protective Association of Wisconsin and Upper Michigan has the problem on its hands right now, and hopes to do some-

(Continued on page 10)

Par's Book Deals to Coincide Film Versions With Reading Public; Won't Release 'Em Long After Publication

Goldberg Out of Forum

Hollywood, Sept. 10. Jesse J. Goldberg announced his resignation as associate producer of Forum Films, new company formed to make pictures for distribution in churches and schools.

Forum rolls two shorts this week at the Talisman studio under supervision of Sam Berkowitz, president of the organization.

10c Rebate On 35c Admissions, Exhib Charges

St. Louis, Sept. 10. Clarence Kaimann, North St. Louis talker exhib, who recently complained to Gradwell Sears, WB sales manager in New York that he would cancel his contract for Warner product unless the Rio, deluxe nab, changed its policy in regards to the screening of WB film fodder, has lodged another beef with the New York exec. Kaimann's additional complaint is that the Rio makes a subtle refund each evening. He asserts that when a 35c admission is sold the purchaser receives 10c back when he hands his torn ticket to a man who is stationed just inside of the door and behind the ticket taker. This act, Kaimann asserts, brings the admish scale back to 25c, the same as charged in the indie houses, and thereby entitles the Rio to no additional preference in priority of bookings, etc. Sears has ordered his St. Louis office to investigate the situation and report to him.

O'REILLY HEADS M. P. DIVISION FOR DEMS

Charles L. O'Reilly was named chairman last week of the motion picture division of the Democratic National Committee. Appointment by national chairman Edward J. Flynn was disclosed by Sol A. Rosenblatt, former NRA code administrator of the motion picture industry and now general counsel for the Dems.

O'Reilly was a former member of the NRA code authority, is prez of the Theatre Owners Chamber of Commerce of New York, former prez of Motion Picture Theatre Owners of New York and former secretary to Mayor George B. McClellan of New York.

New chairman will arrive in Hollywood from New York this morning (Wednesday) to establish a branch of his division there. O'Reilly will be accompanied by Jack Connolly, former editor of Pathe News, who is his assistant. O'Reilly and Connolly will visit all Coast states before returning to N. Y.

Stanwyck's Bad Glim Gives Drew 'Sun' Lead

Hollywood, Sept. 10. Ellen Drew stepped into the top femme spot in Paramount's 'Reaching For The Sun', taking the role originally slated for Barbara Stanwyck, who tied up with Frank Capra's 'Meet John Doe'.

Complication was caused by a minor operation on Miss Stanwyck's eye. Her doctor ordered a rest period on completion of the Capra film. She is slated to appear later in the top role of Paramount's 'Pioneer Woman'.

Arrangement is being pioneered by Paramount with publishers of books it buys for filming so that serialization, book publication, picture and book reprint come out in definite time sequence. Idea is to keep publicity on a story all in one lump and prevent lapses which make a book forgotten by the time the picture is released.

Initial yarn on which the scheme will be tried will probably be 'Botany Bay,' now being written by Charles Nordhoff and James Hall. Par bought screen rights to the unwritten story several months ago. It should be finished early next year, whereupon the studio will begin preparing a script so that the picture can be released during the early 1941-42 season. About six months prior to that the book will be published and immediately before that it will be serialized in the Saturday Evening Post.

Par figures a five or six-month interval between book and pic will just be right for the story to have had time to be well-read, yet not forgotten. It is also part of the deal with the publisher, because by that time a ripe field will have developed for a film reprint edition of the book at a reduced price, displays and advertising on which will also aid the picture.

Bad Timing Examples
Second Par yarn on which the scheme will be tried if too many other things don't interfere is 'Captain From Connecticut,' which Par purchased in advance from C. S. Forester, who is now writing it. What Par is aiming to avoid by the new idea is its experience with 'Miss Susie Slagle's' or Metro's with 'The Yearling.' Both these novels were on the best-seller lists when they were purchased, but the pix are not yet ready for release and the books are beginning to be forgotten, with a dozen other topnotchers published in the meantime drawing the attention of the public.

Difficulties in the way of the Par plan is evident from what has happened on the book on which it originally intended trying it. This will be published shortly under the title 'Hold Back the Dawn,' while the picture, to be released under the same tag by agreement with the publisher, is still in the early scripting stage. Par couldn't get to the picture any sooner and the publisher couldn't wait. Story, by Ketti Frings, was bought by Par under the label, 'Memo to a Movie Producer.'

'POT O' GOLD' WAITS ON GEORGE MARSHALL

Hollywood, Sept. 10. James Roosevelt moved by the starting date on his first production, 'Pot o' Gold,' to Nov. 21 to allow time for the complete recuperation of George Marshall, director, from a major operation.

It was previously planned for Norman McLeod to replace Marshall as pilot, but that plan has been dropped.

Litvak Pegged For Robinson's 'Sea Wolf'

Hollywood, Sept. 10. Anatole Litvak draws the directing assignment on the Edward G. Robinson starrer, 'The Sea Wolf'. Filming starts when Litvak returns from his South American siesta.

Ates in 'Chad Hanna'

Hollywood, Sept. 10. Roscoe Ates took over the role in 20th-Fox's 'Chad Hanna' left vacant by the death of Eddie Collins. Two days of retakes were necessary.

H.O.s Litter L.A. and Biz Spotty; 'Brigham,' Tariff-Tilted, \$26,000, Ditto 'Partners' With 'Divorcement'

Los Angeles, Sept. 10. (Best Exploitation: State) Biz spotty, with some of the houses headed for substantial returns and others doing just so-so. 'Lucky Partners' (RKO) and 'Partners' (RKO) and 'Brigham Young' (Paramount) are single-billed at the State and Chinese, are heading the procession. Warners are holding over 'Sea Hawk' for a third highly profitable week, and Paramount is continuing its third week of 'Rhythm on the River' with 'Comin' Round the Mountain' added for four days.

'Gone' showing exceptional strength on fifth week at the Hawaii and 'Pride and Prejudice' at Four Star continues in the profit class. Wilshire, on moveover of 'Love Again,' is piling up nifty biz. Several novel exploitation stunts worked out for 'Brigham Young' by George Watters and his staff. Biggest was tieup with the Mormon church, which included cards in 35 wards (churches) in Greater Los Angeles. Personal contact was had with 45 heads of groups, including head of western branch of church. All ward presidents read announcements and stating president Heber Grant thanking Darryl Zanuck for making the picture. Another novel stunt was an oldtime prairie schooner drawn by oxen with 15-foot banners carrying advertising slogans. Goodyear blimp with streamer operated over local beach scene; numerous radio programs arranged and considerable radio-plugging helped arouse interest.

Estimates for This Week Chinese (Grauman-F-WC) (2,024; 44-55-75) —'Brigham Young' (20th). Healthy \$12,000 in sight, although in slight dip from last week. 'Pride and Prejudice' (M-G) (1,400; 30-44-55) —'Pride and Prejudice' (M-G) (1,400; 30-44-55). Last week, 'Love Again' (M-G) (1,800; 30-44-55), excellent \$14,000. Downtown (WB) (1,800; 30-44-55) —'Sea Hawk' (WB) (3d wk). Biz took decided jump during second stanza and Flynn opus is being held for warranted third stanza with outlook for \$7,000. Second week piled up big \$11,500, holiday biz (Labor Day) helping materially. Four Star (U-A-F-WC) (900; 30-44-55) —'Pride and Prejudice' (M-G) (1,400; 30-44-55). Still showing nice profit at \$3,800. Third stanza brought lucrative \$5,100.

Hawaii (G&S) (1,100; 83-110-165) —'Gone' (M-G) (5th wk). Substantial increase on fifth week's take, with cool \$5,700 the answer. Fourth week hit exceptional \$3,400, and engagement: longed for additional three or four stanzas. Hollywood (WB) (2,756; 30-44-55) —'Sea Hawk' (WB) (3d wk). Exceptional strength during second week promoted a third stanza, with around \$6,500 in prospect. Second seven days tipped \$10,500, very good. 'Partners' (RKO) (2,000; 30-44-55) —'Lucky Partners' (RKO) and 'Divorcement' (RKO). Should garner big \$14,000 on the week. Last week, 'Syracuse' (U) (2d wk) and 'Military Academy' (Col) (2d wk), very good \$7,600.

Paramount (Par) (3,595; 30-44-55-75) —'Comin' Round Mountain' (Par) and 'Rhythm River' (Par) with stage show (3d week of 4 days). Adding neat \$8,500 on additional four-day holdover, after second week piled up unexpected \$14,200. RKO (RKO) (2,772; 30-44-55) —'Lucky Partners' (RKO) and 'Millionaires in Prison' (RKO) dual. Prospect of \$12,000, excellent and holds. Last week, 'Syracuse' (U) (2d wk) and 'Military Academy' (Col) (2d wk), very good \$7,600.

State (Loew-F-WC) (2,414; 44-55-75) —'Brigham Young' (20th). Slightly advanced b.o. price, bringing satisfactory \$14,000 although not as big as expected. Last week, 'Love Again' (M-G) and 'Pier 13' (20th), very good \$16,000, although nearly \$1,500 below anticipated. United Artists (U-A-F-WC) (2,100; 30-44-55) —'Love Again' (M-G) and 'Pier 13' (20th). Moveover for continued downtown first run will be okay at \$4,100. Last week, 'Frank James' (20th) and 'Manhattan Heartbeat' (20th) week \$2,100. Wilshire (F-WC) (1,298; 30-44-55) —'Love Again' (M-G) and 'Pier 13' (20th). Biz on the upbeat here and on moveover for continued first run will hit nifty \$8,500. Last week, 'James' (20th) and 'Heartbeat' (20th), disappointing \$3,000.

5-20 Years for Stickup

Minneapolis, Sept. 10. Harvey Minnick, 43, who held up and kidnapped a St. Paul theatre watchman last June, has been sentenced to five to 20 years in prison after pleading guilty to a first degree robbery charge. One of two others accused of complicity in the affair was killed in an auto crash and the third has pleaded not guilty.

Broadway Grosses

Estimated Total Gross This Week\$341,600 (Based on 12 theatres)
Total Gross Same Week Last Year\$329,300 (Based on 12 theatres)

Calloway Plus 'McGinty' Fine \$12,500, Indpls.

Indianapolis, Sept. 10. Coin is taking a detour in the downtown sector this week, with Circle and Lyric battling it out with stage shows, and Indiana and Loew's making an appeal for the lettuce with light comedies topping dual bills. Circle has the edge with Cab Calloway on stage and 'Great McGinty' helping with the pull, while Lyric tags behind with 'Bowery Follies,' headlining the Duncan Sisters, and 'Pier 13,' which isn't much of a help.

Loew's is in the sugar with 'He Stayed For Breakfast' and 'Gold Rush Maisie,' while Indiana comes in a poor second with 'Hired Wife' and 'Millionaires in Prison.'

Estimates for This Week Circle (Katz-Dolle) (2,600; 25-30-40) —'Great McGinty' (Par) and Cab Calloway' orch. Okay \$12,500. Last week, 'Comin' Round Mountain' (Par) and 'Queen Mob' (Par), week \$5,800. Indiana (Katz-Dolle) (3,100; 25-30-40) —'Hired Wife' (Par) and 'Millionaires in Prison' (RKO). Poor \$6,000. Last week, 'Rhythm River' (Par) and 'Golden Girls' (Par), okay \$8,500. Loew's (Loew's) (2,400; 25-30-40) —'He Stayed For Breakfast' (Col) and 'Gold Rush Maisie' (M-G). Combined pull okay at \$9,000. Last week, 'Foreign Correspondent' (UA) and 'Girls Road' (U), slipped against State Fair \$4,000, okay \$8,600. Lyric (Lyric) (1,800; 25-30-40) —'Pier 13' (20th) and 'Bowery Follies,' headlining Duncan Sisters, on stage. Mid \$7,500. Last week, 'Young People' (20th) and 'La Conga Nights,' poor \$7,500.

GINGER-COLMAN NEAT \$6,700, K.C.

Kansas City, Sept. 10. Of the new films, 'Lucky Partners,' at Orpheum, has the edge, but not quite living up to early expectations. Colman-Rogers does steady, however, and will finish with a creditable week. Rain, which hampered Thursday and Friday, vanished by weekend and warmish summer weather returned. Holdover of 'Boom Town' at the Midland is notable, as house seldom plays films a second week. Newman is holding 'Rhythm on the River' for second stanza.

Estimates for This Week Esquire and Uptown (Fox Mid-west) (820; 2,043; 10-26-44) —'Public Deb' (20th). Getting fair play at \$6,300. Will give way to 'Brigham Young' at upped prices in mid-week. Last week, 'Young People' (20th), week \$5,300. Midland (Loew's) (4,101; 10-35-60) —'Boom Town' (M-G) and 'Lady in Question' (Col) (2d wk). Fine \$14,000 currently, after first week's bullish \$21,000. Newman (Paramount) (1,900; 10-28-44) —'Rhythm River' (Par) (2d wk). Present week good at \$5,200. First week was strong \$8,600. Orpheum (RKO) (1,500; 10-28-44) —'Lucky Partners' (RKO) and 'Beyond Tomorrow' (RKO). Getting good play at \$6,700. Last week, 'Drive Night' (WB) played second week with 'Pop Pops' (RKO) as new dual partner. Got nice \$5,700.

Tower (Joffe) (2,110; 10-30) —'Pier 13' (20th) and nude Della Carroll heading stage bill. Above average at \$8,800. Last week, 'Carolina Moon' (Rep) and vaude, fair \$5,800.

'Dance Girl' Fizzles At \$3,000 in Lincoln

Lincoln, Sept. 10. Another theatre, the Kiva, 440-seater, joined the row this week, which brings the town on the 100% L. L. Dent, unshuttered to admit the moveover of 'All This, and Heaven Too.'

Lincoln's 'Boom Town' is hard to touch. It's aiming for a high gross.

Estimates for This Week Lincoln (Cooper - Paramount) (1,503; 10-35-45-55) —'Boom Town' (M-G). Pic took off like a shot; can't be stopped for less than \$5,100, very good. Last week, 'Rhythm on the River' (Par), \$4,200, okay. Nebraska (Cooper - Paramount) (1,236; 10-20-28) —'Girl 313' (M-G) and 'Way Flesh' (Par), split with 'Tom Brown' (M-G). About average, \$2,100. Last week, 'Escape' (M-G) and 'Bright Boys' (U), split with 'Phantom Raiders' (M-G) and 'Courageous Christian' (RKO), good \$2,500. State (Cooper - Paramount) (1,884; 10-28-44) —'Dance, Girl' (RKO). Light \$3,000. Last week, 'Lucky Partners' (RKO), \$3,700, fair. Varsity (L. L. Dent-Westland) (1,017; 10-20-28) —'God's Country' (Rep) and 'Peppers Trouble' (Col). Slow \$1,600. Last week, 'Capt. Caution' (UA) and 'Hot Steel' (U), good \$2,200.

Varsity (L. L. Dent-Westland) (1,100; 10-28-44) —'Torrid Zone' (WB). Will get \$3,000, okay. Last week, 'Heaven Too' (WB) got \$4,700 and was moved to the Kiva.

'BOOM' RECORD \$34,000 IN PITT

Pittsburgh, Sept. 10. (Best Exploitation: Penn)

It's one up and five down here this week. There's nothing to it but 'Boom Town' at the Penn. Four-star special is grabbing off all the biz in town, but at upper end of the scale, that house for a new all-time movie record. Everywhere else an even break will be considered sensational. Lone stand-up is 'I Love You Again,' at Ritz for fourth week downtown, having previously played one at Warner and two at Stanley. Penn, naturally, had no trouble getting everything it wanted on 'Boom Town.' Tied up practically every window in town, and the works in advertising, with ads first breaking month ago, and had the amusement pages practically to itself.

Estimates for This Week Alvin (Harris) (1,850; 25-35-50) —'Frank James' (20th) (2d wk). Will get only six days on h.o., moving out today (10) for 'Staved for Breakfast' (Col). Okay for couple of days, then 'Boom Town' opened and both fell out of Jesse James sequel. Doesn't look like much more than \$3,500, quite a drop on heels of \$10,500 opener.

Fulton (Shea-Hyde) (1,700; 25-40) —'Sailor's Lady' (20th) and 'Outsider' (Alliance). House will be lucky to get away with its shirt this week. Maybe \$6,000, but it's doubtful. Last week second of 'Boys Syracuse' (U), way off at \$2,300. Penn (Loew's-U-A) (3,300; 30-45-59) —'Boom Town' (M-G). Clocking around \$17,000 alone on weekend, which is ordinarily a great full week's biz for this site. Advanced prices helping and house can't help kicking in with a new house record of better than \$100,000, but it's doubtful. Above best previous high, which was chalked up by 'Snow White.' Last week, 'Rhythm River' (Par), just short at \$15,000. Ritz (WB) (800; 25-35-50) —'Love Again' (M-G). First week here, but fourth downtown and picture still going strong. Should better \$3,000, which is money in the bank at this spot. Last week, 'Lucky Partners' (RKO), on move-over from Penn, nifty at \$2,000.

Stanley (WB) (3,600; 30-45-59) —'Sea Hawk' (WB) (2d wk). All right until 'Boom Town' opened, and then three strikes and out. Won't do much more than \$9,000. Last week, great \$10,000. Warner (WB) (2,000; 25-35-50) —'Rhythm River' (Par). Moved here from Penn and doing just ordinary h.o. biz because of the stiff opposition. Present pace indicates around \$4,300. Last week, 'Love Again' (M-G). After fortnight at Stanley, great \$9,000.

'Fiesta' for Sherman

Hollywood, Sept. 10. Production switches at Warners landed George Sherman as director of 'Fiesta in Manhattan,' co-starring John Garfield and Priscilla Lane. Shift delays the production of 'The Fabulous Thirties,' originally announced as the next Garfield starrer. Meanwhile Edmund Goulding, slated to pilot 'Thirties,' moves over to 'Miss Wheelwright Discovers America.'

Russell-Stewart, 19G, 'Correspondent,' \$17,000, Clicking in Zingy Philadelphia

Key City Grosses

Estimated Total Gross This Week\$1,644,300 (Based on 25 cities, 189 theatres, chiefly first runs, including N. Y.)
Total Gross Same Week Last Year\$1,567,000 (Based on 25 cities, 166 theatres)

Fair Boffs L'ville B.O., But 'Boom' Terrific \$17,000

Louisville, Sept. 10. Kentucky State Fair is getting the breaks during the current stanza. Agricultural display, intended to attract farmers, also has a strong line-up of show features, including Ted Fio Rino, Don Bestor, and Deacon Moore bands spread over the week. Johnny Jones expo on midway, one of the finest horse shows in the country, and numerous grand stand attractions. Fair opened Saturday (7) for a seven-day run, and, with hot, dry weather, is giving the downtown film houses some real competition.

Leading the pic field during State Fair Week is 'Boom Town,' dual at Loew's State. It's a smash, and the star-studded opus is grabbing all the real film money in town. Prices were upped slightly but patrons are not making any beefs.

Estimates for This Week Brown (Loew's-Fourth Avenue) —'Rhythm River' (Par) and 'Way Flesh' (Par). Combination moved over from Rialto, but takings look on the pale side. Light \$1,600. Last week, 'Frank James' (20th) and 'Pier 13' (20th), on moveover, managed okay \$1,800. Kentucky (Swiftow) (1,200; 15-25) —'Ghost Breakers' (Par) and 'Our Town' (UA). Holding to the generally good pace established last summer, due to some physical improvements on the house, and should manage nice \$1,600. Last week, 'Four Sons' (20th) and 'Trene' (RKO), split with 'Can't Fool Wife' (RKO) and 'Sailor's Lady' (20th), all right \$1,500. Loew's State (Loew's) (3,100; 33-40-50) —'Boom Town' (M-G) and 'Lady Question' (Col). Folks were ready for this one, after long advance publicity, and are responding to the four-star opus in healthy numbers, with no complaints about the upped prices. Last week, \$17,000. Last week (15-30-40), 'Foreign Correspondent' (UA) and 'Girls Road' (Col), okay \$7,000.

Fulton (Shea-Hyde) (1,000; 15-30-40) —'Sea Hawk' (WB) (2d wk). Highly satisfactory \$3,500, after last week's noteworthy \$5,000. Rialto (Fourth Avenue) (3,400; 15-30-40) —'Lucky Partners' (RKO) and 'Stranger Than Floor' (RKO). Finding the going rather sluggish, and loping along for medium \$5,500. Last week, 'Rhythm River' (Par) and 'I Want Divorce' (Par), okay \$7,500 and moveover. Strand (Fourth Avenue) (1,400; 15-30-40) —'Dance, Girl' (RKO) and 'Wildcat' (Rep) (RKO). Same story here, with too much business from the State Fair and a pair of pics rather weak on b.o. punch. Pointing to mild \$2,400. Last week, 'Great McGinty' (Par) and 'Sing, Dance' (Rep), light \$2,800.

Partners' Dual Nice \$5,600 in Port, Ore. Portland, Ore., Sept. 10. Only one new opener, 'Lucky Partners,' at the Paramount, which is doing good biz. 'Love You Again' still holding up in its third week at the UA, and 'Sea Hawk' proving a winning h.o. at the Broadway.

Estimates for This Week Broadway (Parker) (2,000; 35-40-50) —'Sea Hawk' (WB) (2d wk). Good \$4,500. Last week big \$8,200. Mayfair (Parker-Evergreen) (1,500; 35-40-50) —'Rhythm River' (Par) and 'Pier 13' (20th). Moved from Paramount for average \$2,700. Last week, 'Daltons' (U) and 'Private Affairs' (U) (2d wk), split week with legit show; four days, okay \$4,000. Paramount (Hamrick-Evergreen) (3,000; 35-40-50) —'Lucky Partners' (RKO) and 'Golden Gloves' (RKO). Good showing for this big house; probably get nice \$5,600. Last week, 'Rhythm River' (Par) and 'Pier 13' (20th), nice \$6,000, and moved to the Mayfair.

United Artists (Parker) (1,000; 35-40-50) —'Love You Again' (M-G) and 'We Who Are Young' (M-G) (3d wk). Okay \$4,000, last week, satisfactory \$5,000.

Philadelphia, Sept. 10. Plenty of sting in the h.o.'s this week, with the heavy-hitting product as usual garnering the lion's share of the coin. Trio of big league conventions the Bar Association, the Women Law Law, and the Postal Workers—also helping to swell the crowds at the downtown houses.

Among the newcomers to the cinema belt are 'No Time for Comedy,' which is proving that laughs still pay off. 'Foreign Correspondent' and 'Kia Carson.' Only the latter is having its troubles.

Still in the heavy lucre class is 'Boom Town,' holding over at the Earle.

Estimates for This Week Aldine (WB) (1,303; 35-46-57-68) —'Kit Carson' (UA). House is out of the area that attracts lovers of horse opera. Suffering to tune of mediocre \$8,800. Last week, 'Pastor Hall' (UA) slumped badly after nice start and wound up with sad \$6,700 for second week.

Arcadia (Sablowsky) (600; 35-46-57) —'Young People' (20th) (2d run). Opened yesterday (Mon.). Last week was slight better than 'Pride and Prejudice' (M-G) (3d run) with nice \$3,000 for four days, and 'Tom Brown' (RKO), poor \$1,200 for three days.

Boyd (WB) (2,560; 35-46-57-68) —'Time for Comedy' (WB). Stewart Russell starrer 'Bright \$19,000. Will h.o. Last week, 'Sea Hawk' (WB), wound up third week with fine \$10,200.

Earle (WB) (2,758; 45-57-73) —'Boom Town' (M-G) (2d wk). Looks like last stand for straight pix here, since strike with musicians has been settled, but will make it tough to pull—getting nice \$25,000 for second trip. Opener, super-socko \$36,700.

Fox (WB) (2,423; 35-46-57-68) —'Foreign Correspondent' (UA). Getting kudos for nice \$25,000 for \$17,000. Last week, poor \$2,200 for 'Young People' (20th).

Karleton (WB) (1,066; 35-46-57-68) —'Love Again' (M-G) (2d run) (3d wk). Marks first time Karleton has heldover for three trips and snagging big \$4,200. Second round for Loy-Powell hit bullish \$3,900.

Keth's (WB) (1,970; 35-46-57-68) —'Sea Hawk' (WB) (2d wk). Still showing punch with nice \$5,100. Last week, 'Frank James' (20th), sad \$3,800 for second run showing.

Stanley (WB) (2,316; 35-46-57-68) —'Lucky Partners' (RKO) (2d wk). Not so lucky this sesh with poor \$8,500. Opener hit profitable \$16,000 last week.

Stanton (WB) (1,457; 35-46-57) —'Staved for Breakfast' (Col) (2d run) (2d wk). Fourth week in mid-city still getting good \$5,100. Opening of second run last round forte \$6,800.

'SEA HAWK' STRONG \$11,000 IN DENVER

Denver, Sept. 10. 'Boom Town' is packing the Orpheum, doing record biz. Apparently, it's good for at least three weeks at the Orph, then a shift to the Broadway.

'Rangers of Fortune' is good enough at the Denham for a hold-over. 'Sea Hawk' strong at the Denver, but will move to Aladdin for second week.

Estimates for This Week Aladdin (Fox) (1,400; 25-40) —'Kit Carson' (UA). Jaded a week at Denver, nice \$4,500. Last week, 'Boys From Syracuse' (U), after a week at the Denver, fair \$3,500.

Broadway (Fox) (1,040; 25-35-40) —'Lucky Partners' (RKO) and 'Millionaires in Prison' (RKO). After a week at the Orpheum, fair \$2,500. Last week, 'Love You Again' (M-G), after two weeks at the Orpheum, and 'We Who Are Young' (M-G), after a week at the Orpheum, good \$3,000.

Chi B.O. Fades; 'Breakfast'-Vaude N.G. 27G, Ditto 'Ladies'-Unit, 13G, 'Boom's' 2d, 2 Spots, Big \$29,000

Business fell away in the loop last week following a tremendous Labor Day weekend, and the current week continues to droop. B.O. will not be rectified unless the theatres come up with a stimulant similar to 'Boom Town', which is the big money-maker here at present.

Other than 'Boom', there is nothing bright around the grind houses. Even the big Chicagoans failing to engender any excitement and will dip to one of the low marks of the season.

Palace is holding over 'Lucky Partners', which had a good first week and looks for a good second session. Light comedy is drawing particularly well on the femme trade. Also holding over is 'Love You Again' at the Apollo in its fourth week in the loop. 'Rhythm on the River' moved from the Chicago to the Garrick for additional loop time.

Estimates for This Week

Apollo (B&K) (1,200; 35-55-65-75) — 'Love Again' (M-G) (2d wk). Taking \$4,000, currently in fourth session downtown, after snagging \$5,200, okay, last week.

Chicago (B&K) (4,000; 35-55-75) — 'Stayed Breakfast' (Col) and stage shows. Of little consequence here and the wicket slows down considerably to \$27,000, mild. Last week, Joe Penner personal disappointed and 'Rhythm River' (Par) on the screen dipped sharply after Labor Day to \$37,800, under expectations.

Garrick (B&K) (900; 35-55-65-75) — 'Rhythm River' (Par). Shifted from Chicago and maybe \$4,000 in the offering for second loop time. Last week, 'Frank James' (20th), managed okay, \$4,300 for second loop session.

Oriental (Jones) (3,200; 28-44) — 'Ladies Love' (WB) and 'Tattle Tales' unit, pulled in. Carling on stage. Indicates \$13,000, poorest some time. Last week, 'Lucky Cisco' (20th) and Glen Gray orch on stage, fig. \$17,200.

Palace (B&K) (2,500; 33-44-68) — 'Hired Wife' (U) and 'Mummy's Hand' (U). Came in today. Tuesday following a 12-day run for 'Lucky Partners' (RKO) and 'Slightly Tempted' (U). Latter combination came in with fine \$19,600 for the 12 days. Taken off because it indicated a sharp slide after the first 10 days.

Roosevelt (B&K) (1,500; 35-65-85) — 'Boom Town' (M-G) (2d wk). House broke up the traditional fight with the United Artists and ran ahead of the rival house with the same picture last week, taking hang-up \$22,000. Currently looks for bright \$15,000.

State-Lake (B&K) (2,700; 28-44) — 'God's Country' (Rep) and Carlos Molina orch. Main boxoffice power is on the stage and going to \$16,000. Last week, 'Hardy Debutante' (M-G) plus Joe Reichman orch, fine \$17,700.

United Artists (B&K-M-G) (1,700; 35-65-85) — 'Boom Town' (M-G) (2d wk). Came in today. Last week, 'Lucky Partners' (RKO) was strong. Going to fine \$14,000 currently.

Woods (Essaness) (1,200; 75-81-10-185) — 'Gone' (M-G) (33d wk). Took brilliant \$9,300 last week and going to excellent \$8,000 this week.

'Breakfast'-Kaye Orch Nifty \$21,000 in Wash.; 'Boom's' 2d Big 19G

Washington, Sept. 10. 'He Stayed for Breakfast' and Sammy Kaye's orch, with emphasis on latter's 'So You Want to Lead a Band' gag, is pulling capacity and leading town by hefty margin at the Earle this week. Second best gross, also by clear edge, is going to hold over of 'Boom Town', which equalled house record last week and will stay a third starting Friday (13).

Smartest selling job this week was done by Keiths, which booked 'When the Daltons Rode' and peddled it admittedly as a western, taking flamboyant ads labelling it 'the greatest cast ever assembled for a house opera'. Returns will at least average.

Estimates for This Week

Capitol (Loew) (3,434; 25-39-44-86) — 'Captain Caution' (UA) and vaude. Oldtimers' vaude show getting nostalgic reviews, but no help at the box. Won't better poor \$11,500 for six days. Young 'People' (20th) and Phil Regan, light \$13,000.

Columbia (Loew) (1,234; 28-44) — 'Love Again' (M-G) (2d run). Third week downtown getting nice \$5,500.

Last week, 'McGinty' (Par) (2d run), average \$4,500.

Earle (WB) (2,218; 25-39-44-86) — 'Stayed Breakfast' (Col) and Sammy Kaye orch. Combo packing 'em toward socko \$21,000. Last week, 'Sea Hawk' (WB) (2d wk), strong \$16,000.

Keiths (RKO) (1,830; 39-55) — 'Daltons Rode' (U). Sold well and 'Lucky Partners' (RKO) (2d wk), swell \$8,500.

Met (WB) (1,800; 28-44) — 'Drive Night' (WB) (2d run). Back after big week at Earle and heading for passable \$4,000. Last week, 'Flowing Gold' (WB), nice \$9,300 for nine days.

Palace (Loew) (2,242; 39-55) — 'Boom Town' (M-G) (2d wk). Holding for beautiful \$19,000. Last week, pushed record with \$30,000.

ROONEY, \$39,000, NEAR CLEVE. RECORD

Cleveland, Sept. 10.

(Best Exploitation: State)

Mickey Rooney's the hottest draw in town. And without doubt one of the biggest stage attractions in Loew's State's history. His personal appearance here is whirlwind turnstile at record-breaking pace.

With 'Gone With the Wind' on screen, he opened to a three-block line of ticket-buyers which began forming at 7 a.m. Before end of the second day Rooney shot past Jack Benny's figure by pulling in \$10,000, and another \$6,500 on third day. At that phenomenal pace it seems very likely that he may also surpass Benny's record of \$39,000 for the stanza to set a new house record.

Nextdoor Palace is lucky to get some of the over-flow, helping 'Argentine Nights' and Ben Bernie on stage to weak \$14,500. 'Sea Hawk', despite this, is showing exceptional promise.

State made town Rooney-minded by taking star out to local Boytown groups, arranging meetings with mayor and plastering posters on every street post. Everett Slightbuck pulled one in clearing house of youngsters who would have stayed through three shows. Announces after curtain drop that every kid would get a free autographed photo of Mickey at box office if they hurry—and there's a terrific exodus.

Estimates for This Week

Alhambra (Printz) (1,200; 10-20-35) — 'Golden Gloves' (Par) and 'Dance of the Hours' (Rep). For first days, \$13,000, all right. Last week, 'Scatterbrain' (Rep) and 'Daltons Rode' (U), smash \$4,000 for 10 days.

Allen (RKO) (3,000; 30-35-42-55) — 'Lucky Partners' (RKO). Shifted from Chicago and maybe \$4,000. Last week, 'Frank James' (20th), satisfactory \$4,000.

Hipp (Warner) (3,700; 30-35-42-55) — 'Sea Hawk' (WB). No hike in scale. Sea thriller handled like a three-ring circus in publicity and being rewarded with excellent \$19,000. Will move to Allen if it doesn't stay here. Last week, 'Lucky Partners' (RKO), \$13,000, neat.

Palace (RKO) (3,200; 30-35-42-55-68) — 'Argentine Nights' (U) and Ben Bernie's unit. Beni getting a tough break and not his fault. No support from screen weakie, which is a pity. Last week, 'Lucky Partners' (RKO) and Mickey Rooney next door is licking up all the gravy. Not more than \$14,500 at very best. Last week, 'Young People' (20th) plus Charlie Barnett's orch, showed up a bit toward the end, but \$16,500 still smart.

State (Loew) (3,430; 30-35-42-55-66) — 'Great McGinty' (Par) and Mickey Rooney on stage. A happy combo from all angles, carrying lots of sock, especially in Mickey's one-man-show. Bagged \$25,000 in first four days, aided by advanced Thursday opening, and boosted prices helping landslide big. Indicates average \$39,000 per house record.

Last week (30-35-42-55), 'Foreign Correspondent' (UA), went over expectations with worthwhile \$16,000.

Stillman (Loew's) (1,972; 30-35-42-55) — 'Foreign Correspondent' (UA). Good showing, hand-some, \$6,000. Last week, 'Love Again' (M-G), wound up outstanding run of four frames with big \$6,000 on last.

Woods (Essaness) (1,200; 75-81-10-185) — 'Gone' (M-G) (33d wk). Last week, pushing record with \$9,300. In Loew's Park and Granada nabes,

First Runs on Broadway (Subject to Change)

Week of Sept. 12

Astor — 'Gone With the Wind' (M-G) (39th wk).

Capitol — 'Boom Town' (M-G) (2d wk).

Criterion — 'We Who Are Young' (M-G).

(Reviewed in VARIETY, July 17)

Globe — 'Hell's Cargo' (Film Alliance) (14).

Music Hall — 'Lucky Partners' (RKO) (2d wk).

Paramount — 'Rhythm on the River' (Par) (3d wk).

Rialto — 'Men Against the Sky' (RKO) (11).

(Reviewed in VARIETY, Aug. 28)

Rivoli — 'Foreign Correspondent' (UA) (3d wk).

Roxey — 'Hired Wife' (U) (13).

(Reviewed in Current Issue)

Strand — 'No Time for Comedy' (WB) (2d wk).

Week of Sept. 19

Astor — 'Gone With the Wind' (M-G) (40th wk).

Capitol — 'Boom Town' (M-G) (3d wk).

Globe — 'Pastor Hall' (UA) (21).

(Reviewed in VARIETY, July 31)

Music Hall — 'Ramparts We Watch' (RKO).

(Reviewed in VARIETY, July 24)

Paramount — 'Rangers of Fortune' (Par) (18).

Rivoli — 'Foreign Correspondent' (UA) (4th wk).

Roxey — 'Brigham Young' (20th) (20).

(Reviewed in VARIETY, Aug. 28)

Strand — 'No Time for Comedy' (WB) (3d wk).

J. DORSEY UPS 'McGINTY' TO 22G, BUFF.

Buffalo, Sept. 10. Wicket biz is on the upbeat currently, with strong film and stage lure lending plenty aid.

'Great McGinty' and Jimmy Dorsey band are turning out a tall figure at the Buffalo. 'Boom Town' at the Lakes is in its second high-bracket semester, with 'Hired Wife' doing plenty all right at the Lafayette.

Estimates for This Week

Buffalo (Shea) (3,500; 35-40-60) — 'Great McGinty' (Par) and Jimmy Dorsey orch on stage. Will tag tall \$22,000. Last week, \$20,000, smash \$23,000.

Great Lakes (Shea) (3,000; 44-65) — 'Boom Town' (M-G) (2d wk). Nifty \$12,000. Last week, smash \$23,000.

Hipp (Shea) (2,100; 30-45) — 'Frank James' (20th) and 'Sing, Dance' (Rep) (2d run). Mild \$5,500. Last week, 'Young People' (20th) and 'Chan Museum' (20th), \$5,000.

Lafayette (Hayman) (3,300; 30-40) — 'Hired Wife' (U) and 'Framed' (U). Pretty good \$9,000, or over. Last week, 'Stayed for Breakfast' (Col) and 'Passport to Alcatraz' (Col), bullish \$8,500.

20th Century (Dipson-Basil) (3,000; 30-40) — 'Lucky Partners' (RKO) (2d wk) and 'Bagons Westward' (Rep) (5 days). Quicker pace indicates nice \$7,000. Last week, 'Lucky Partners' (RKO) and 'Millionaires in Prison' (RKO) (9 days), satisfactory \$9,000.

H. O. S. Swamp Mont'l; 'Breakfast' OK \$5,000

Montreal, Sept. 10. Three h.o.s. — 'Lucky Partners' and the repeats will get most of the coin. 'I'll Love You Again' and 'Foreign Correspondent' are tops.

Estimates for This Week

Palace (CT) (2,700; 25-45-55) — 'Love Again' (M-G) (2d wk). Good \$6,500 in sight, after very good \$9,000 last week.

Capitol (CT) (2,700; 25-45-55) — 'Breakfast' (Col) and 'Military Academy' (Col). Pointing for good \$5,000. Last week, 'Rhythm River' (Par) and 'Golden Gloves' (Par), good \$4,500.

Loew's (CT) (2,800; 30-40-60) — 'Foreign Correspondent' (UA) (2d wk). Probable \$7,500 in sight, round, after handsome \$11,000 last week.

Princess (CT) (2,300; 25-34-50) — 'Devil's Island' (WB) and 'Sporting Blood' (M-G). Average \$3,500 likely.

Last week, 'Sea Raider' (Par) and 'Rough Mountain' (Par), off at \$2,800.

Orpheum (Ind) (1,100; 23-40-50) — 'Pago-Pago' (UA) (2d wk). Not so

B'way OK Despite War News, School; 'Partners' Lucky with \$90,000, 'Town' Booms \$55,000, 'Time'-Clinton 45G

good \$1,800, after disappointing \$2,400 last week.

Cinema de Paris (France-Film) (600; 25-50) — 'Peggy' (Good \$1,800 in sight. Last week, third repeat 'Je t'attendrai', good \$1,200.

St. Denis (France-Film) (2,300; 25-34) — 'Les Conquerants' and 'Chantons Quand Meme'. Sighting nice \$5,000. Last week, 'Dame de Coeur' and 'Boutique au Illusions', good \$4,600.

'WIFE,' \$7,200, OK IN HOT MPLS.

Minneapolis, Sept. 10. (Best Exploitation: State)

After apparently being off to the races during several weeks of encouragingly rising levels, grosses currently are suffering a severe setback again in consequence of an unexpected heat wave. Takings are going down as temperatures mount. In view of the fact that abnormal cold prevailed during the entire State Fair, the present torrid spell is all the more surprising.

Two of the current newcomers, 'Lucky Partners' and 'Hired Wife', afford plenty of laughs, which seems to be what the local public wants nowadays. The logical thing to expect is that they'll build as the weather improves—if it does.

A pair of holdovers also commanding attention, 'The Sea Hawk', which started at the State and then moved to the Century, has been assigned still another quarters, the World, for a third loop week. After a healthy seven days at the State, 'Rhythm on the River' now is holding forth at the Century.

Plenty of stage entertainment looms. Ted Lewis came into the Orpheum Friday (13) and on the same day the Alvin starts operations with Harry Hirsch and Harry Katz's road musical revues plus pictures. And next week the Lyceum season gets going with Gertrude Lawrence in 'Skylark'.

Palm for best exploitation went to the State, which had Cedric Adams, Star-Journal columnist, sponsor a contest for the best 100-word letter from a couple married within the past five years who missed their honeymoon. The winner got a weekend honeymoon suite and all their meals at the Hotel Radisson, plus a car at their disposal.

Estimates for This Week

Aster (Par-Singer) (900; 15-25) — 'Florin' (M-G) and 'Wild Cat Bus' (RKO), dual first-run, go for five days and good \$1,200 indicated.

'Scatterbrain' (Rep) and 'Girl from God's Country' (Rep), dual first runs, open Wednesday (18). Last week, 'Sea Hawk' (Par) and 'Out West Pepper' (Col), dual first runs, split with 'Stranger Third Floor' (RKO) and 'One Crowded Night' (RKO), \$1,600, pretty good.

Century (Par-Singer) (1,600; 25-35-40) — 'Rhythm River' (Par). Brought here from State, where it fared very well in first week. Enroute to \$3,800. Last week, 'Sea Hawk' (Par) (2d wk), good \$4,000, after big \$10,000 first week at State.

Esquire (Gillman) (200; 28) — 'Plainsman' (reissue). Fair \$800 in prospect. Last week, 'Boys of City' (Mono), \$1,300 in eight days, good.

Gopher (Par-Singer) (998; 28) — 'Golden Gloves' (Par). Gals are staying away from this one in droves. Out after five days, light \$1,500.

'Daltons Rode' (U) (2d wk) (Wednesday). Last week, 'Great McGinty' (Par), \$4,300 in eight days, big.

Orpheum (Par-Singer) (2,800; 28-39-44) — 'Hired Wife' (U). Very well liked picture. Feminine fans especially enthusiastic, but men like it, too. Hurt by weather at outset, but should finish to good \$7,200.

State (Par-Singer) (2,300; 28-39-44) — 'Lucky Partners' (RKO). Rod Colman-Ginger Rogers combo spelling box-office. Enroute to okay \$7,000. Last week, 'Rhythm River' (Par), \$5,700, very satisfactory.

Uptown (Par) (1,200; 28-39) — 'Maryland' (20th). First neighborhood showing. Good \$3,500 indicated. Last week, 'Hardy Debutante' (M-G), \$4,000, fine.

Princess (Par-Singer) — 'Sea Hawk' (WB). Moved here after big initial fortnight at State and Century. Should reach satisfactory \$1,500. Last week, 'Our Town' (UA) (2d wk), \$1,350, fair, after satisfactory \$1,900 first week.

Start of classwork in a majority of schools plus disheartening war news of the Nazi blitz over London put a dent in Broadway business at the start of this week. However, a majority of theatres stood up well.

Of the new attractions, 'Boom Town' at the Capitol, fares best with the house credited with playing to more people than any film since 'Gone With the Wind'. In dual week picture since 1936 for the first few days. Rip-roaring \$55,000 appears likely for the initial week, with the slightly increased scale helping the take.

'Lucky Partners' at the Music Hall is showing up surprisingly well considering the sensational grosses registered here in the preceding four weeks. Neat \$90,000 is in the offing, enough to hold it a second week. 'Ramparts We Watch', with an elaborate advance campaign, comes in after that. 'Pride and Prejudice' topped the \$400,000 mark for its four weeks, and 'The Sign of the Cross', which brought the fourth stanza to \$96,000, still unheard-of after the terrific take in preceding three sessions.

Only other new picture, 'No Time for Comedy' at the Strand, is shaping up for a trim \$45,000, plenty strong in view of nearby opposition. 'Fanny' and Larry Clinton band caught on nicely at the week-end after an ordinary opening. Remains a second week.

Estimates for This Week

Aster (1,012; 75-85-110-165-220) — 'Gone' (M-G) (39th week). Last week (2d wk) around \$12,000, not bad after pickup to \$14,000 in previous week. Stop aster after being repainted, indicating picture will be around for months to come.

Capitol (4,520; 35-40-75-110-125) — 'Boom Town' (M-G) (3d wk). Playing to more people than any attraction since 'Gone'. Appears headed for booming \$55,000, with upped scale helping. Topped even straight film attraction since 1936, excepting 'Gone'. 'I Love You Again' (M-G), got \$30,000 its third and final week, hefty profit.

Criterion (1,662; 25-40-55-65) — 'Girl God's Country' (Rep). Week \$5,000 in sight. 'Gold Rush Maisie' (M-G), in ahead, \$10,000, plenty wampum.

Globe (1,700; 25-35-55) — 'Flowing Gold' (WB) (2d week). First time house has had such a strong first run, and folks coming in for second stanza, which will hit \$6,000. Nice start, with good showing, but far above normal take here.

Palace (1,700; 25-35-55) — 'Frank James' (20th) and 'Ladies Love' (WB) (2d wk). Last week, \$8,100, but ahead of recent big. Last week's twinner, 'All This' (WB) (2d run) and 'Pop Pals' (RKO) (1st run), got \$7,800, slow turnover blamed for loss.

Paramount (3,664; 25-35-55-89-99) — 'Rhythm on the River' (Par) and, in person, Will Bradley, Ken Murray, Dinah Shore, Tito Guizar, others (2d week). Traveling, good showing, 900, excellent considering opposition, and elegant profit. Stays third session. Took terrific \$64,000 initial week for fast fall opening.

Radio City (1,600; 40-60-84-99-165) — 'Lucky Partners' (RKO) and stage show. Trim \$90,000 in sight, okay. Stays second week with 'Ramparts' (RKO) set to follow. 'Pride' hit \$96,000 fourth week.

Rialto (750; 25-40-56) — 'Men Against Skies' (RKO). Opens today (Wed.) with (1st run) and stage film circuits. 'Diamonds' feeble \$3,000 in four days. 'Stranger on Third Floor' (RKO), in ahead, \$6,500, profitable week.

Rivoli (2,092; 25-40-55-75-99) — 'Foreign Correspondent' (UA) (2d wk). Holding up strongly at around \$32,000 for second week ending yesterday (Tuesday). Opening stanza near \$50,000, swell. In for indefinite run with management starting its secondary campaign shortly.

Roxey (5,835; 25-40-55-75) — 'Stayed for Breakfast' (Col) and stage show (2d week). Young-Douglas comedy living up to drawing prowess elsewhere. Splendid \$33,000 in prospect, after surprising \$51,000 first week, big. 'Hired Wife' (U) opens Friday.

State (3,450; 35-55) — 'Hardy Debutante' (M-G) (2d run) and Ed Sullivan with Harvest Moon dancers (2d wk). Benny Fields, others, on stage. Happy opening, stanza near \$26,000, very strong for second session. Dandy \$30,000 last week.

Strand (2,787; 25-50-55-75-85-95) — 'No Time for Comedy' (WB) and Larry Clinton band. Gross for nearly \$45,000, strong in view of competition. 'Sea Hawk' (WB) and Phil Spitalny hit \$35,500 in fourth and final week, mighty fancy takings after three poor big weeks. Four weeks tallied \$169,000.

Ginger-Colman Healthy \$18,500 in S.F.; 'Boom', \$16,000, 'Hawk', 10G, OK H. O.s

San Francisco, Sept. 10. Season's first rains denting Expo gate, but not adding much to film takes either. Holdover still in spotlight, 'Sea Hawk' staying at Fox and 'Boom Town' remaining on Warfield after terrific first week.

'Lucky Partners,' at Gate, is best of newcomers. Otherwise it's just a quiet week in San Francisco.

Estimates for This Week
Fox (F.W.C.) (5,000; 35-40-50)—'Sea Hawk' (WB) (2d wk.). Mopping up, with \$10,000 in view. First week, eight days, whopping \$24,000.

Golden Gate (RKO) (2,850; 39-44-55)—'Lucky Partners' (RKO) and vaude. Ginger Rogers-Ronald Colman combo well liked. Splendid \$18,500, which assures second week.

Last week, 'Dance, Girl' (RKO) and vaude, \$14,000, fair.

Orpheum (F&M) (2,440; 25-40-50)—'Lady in Question' (Col) and 'Slightly Tempted' (U). Comedy angles stressed. Second week, \$17,000, fair. Last week (2d), 'Breakfast' (Col) and 'Secret Seven' (Col), good enough at \$8,000.

Paramount (F.W.C.) (2,740; 35-40-50)—'Public Debt' (U) and 'Chan Wax' (20th). Drawing average \$11,000. Last week, 'Rhythm River' (Par) and 'Girl God's Country' (Rep), healthy \$5,000.

St. Francis (F.W.C.) (1,470; 35-40-50)—'Rhythm River' (Par) and 'God's Country' (Rep). Moveover from Paramount good for \$8,000, average. Fourth week 'Love Again' (M-G), and 'Sea Raider' (Par), satisfactory \$5,500.

United Artists (Cohen) (1,200; 35-40-50)—'Papa Paggo' (UA) (2d wk.). Little magnetism, but good. Last week, \$8,000, good considering conditions.

Warfield (F.W.C.) (2,680; 40-50-55)—'Boom Town' (M-G) (2d wk.). Fine \$16,000, with good followup for initial week's terrific \$28,000.

DEB' AT \$4,000, COLD IN BALTO

Baltimore, Sept. 10. With most of the downtowns holding over strong product aimed at last week's holiday trade, new entry of 'Hired Wife' at Keith's is attracting some highly consistent play. Confirmed by reports for h.o.s. of 'Boom Town,' 'Sea Hawk' and 'Lucky Partners.' Only other new entry, 'Public Debt No. 1,' is n.s.g. at the New. Hiked scales for 'Boy' and 'Hired Wife' evidently not effecting the attendance.

Estimates for This Week
Century (Loew's-UA) (3,000; 28-39-60)—'Boom Town' (M-G) (2d wk.). Holding very good, up to \$14,000, after extra big opener at \$19,700.

Hippodrome (Rappaport) (2,205; 15-28-39-44-55-66)—'Lucky Partners' (RKO) (2d wk.). Very poor. Rather mild \$11,000, after chalking up satisfactory opening round to \$15,200.

Keith's (Schamberger) (2,405; 15-28-39-44-55)—'Hired Wife' (U). Nicely spotted, with good play. Reported h.o.s. and should reach okay \$8,000. Last week, eight days of Rhythm on River' (Par), fair \$6,900.

New Mechanic (1,581; 15-28-35-50)—'Public Debt' (20th). Might reach \$4,000, poor. Last week, 'Young People' (20th), failed to excite at \$4,300.

Stanley (WB) (3,280; 28-39-60)—'Sea Hawk' (WB) (2d wk.). Maintaining highly profitable pace to indicated \$18,600 on opening sesh.

'Boom Town' Dualled, Hefty \$12,000, Prov.

Providence, Sept. 10. Town is just about evenly divided on holdovers and new bills, with h.o.s. still getting strong play. Among these are 'Boom Town,' still booming at Loew's State; 'Rhythm River' at Strand and 'Sea Hawk,' which switched to Carlton for second downtown week. Strand bolstered its second-week bill with new co-feature, 'Island of Doomed Men.'

Estimates for This Week
Albee (RKO) (2,000; 28-39-50)—'Daltons' (U) and 'Secret Seven' (Col) (reissue) and four Disney shorts. Strong \$6,800. Last week, 'Lucky Partners' (RKO) and 'Christian and Women' (RKO), good \$6,000. Carlton (Fay-Loew) (1,400; 28-39-50)—'Sea Hawk' (WB) (2d run). 'Swell \$3,000. Last week, 'Stayed Breakfast' (Col) and 'Gold Rush' (M-G) (2d wk.), good \$2,200.

Fay's (Indie) (2,000; 15-28)—'Ride Tenderfoot' (Rep) and 'Earbround' (20th). Good \$3,500. Last week, 'Girl Avenue A' (20th) and 'Oklahoma Renaissance' (Rep), fine \$3,800. **Majestic (Fay)** (2,200; 28-39-50)—

'Hired Wife' (U) and 'Young People' (20th). Trade spotty but promising good \$7,000. Last week, 'Sea Hawk' (WB), hot \$6,500.

State (Loew) (3,200; 28-39-50)—'Boom Town' (M-G) and 'Lady Question' (Col) (2d wk.), hefty \$12,000. Last week, 'Secret Seven' (Col), \$7,000.

Strand (Indie) (2,000; 28-40-50)—'Rhythm River' (Par) (2d wk.) and 'Island of Doomed Men' (Col). Good \$5,500. Last week, 'Rhythm River' (Par) and 'Hidden Gold' (Par), nice \$7,000.

'DANCE' FLOPPY \$6,000 IN CINCY

Cincinnati, Sept. 10. Aggregate pull of major screen sanctuaries is favorable, though sagging a few lengths behind last week's Labor Day-padded weekend. Surprisingly so, however, is 'Hired Wife' at Albee, which has long lead over other fresh releases.

'Dance, Girl, Dance' at Palace, is very poor at b. o. Its only lively day was on the opener, due to p.a. of Lucille Ball and Maureen O'Hara. Keith's is having a quiet session on 'Young People.'

Holdovers 'Boom Town,' 'Love Again' and 'Sea Hawk' are fetching profitable returns.

Estimates for This Week
Albee (RKO) (3,800; 30-42-53)—'Hired Wife' (U) and above expectations with terrific \$15,000. Last week 'Sea Hawk' (WB), big \$15,000.

Capitol (RKO) (2,000; 42-60)—'Boom Town' (M-G) (5th wk.). Finalizing to hefty \$8,000, after last week's \$10,000. Close to \$5,000 for the five-week run, burg's biggest since 'Gone.'

Family (RKO) (1,000; 15-28)—'Stage Chino' (RKO) and 'Can't Fool Wife' (RKO), split with 'Foghorn Western' (Rep) and 'Earl Grey Stone' (Rep). Average \$1,900. Ditto last week with 'Christian Women' (RKO) and 'Manhattan Heartbeat' (20th), divided with 'Suicide Lesson' (Ind) and 'Secret Seven' (Col).

Grand (RKO) (1,439; 33-50)—'Love Again' (M-G) (3d wk.). Last week of this new theater's opening pic. Holding to dandy \$7,000. Last week (2d), sold \$8,000. Pulled great \$14,500 in first seven days.

Keith's (Libson) (1,500; 39-47)—'Young People' (20th). Slow \$3,500. Last week, 'Great McGinty' (Par), fair \$4,500.

Lyric (RKO) (1,400; 39-47)—'Lucky Partners' (RKO). Moveover from Palace for second week. N.s.h. \$3,000. Last week, 'Frank James' (20th) (2d run), mild \$3,500.

Palace (RKO) (2,600; 39-47)—'Dance, Girl, Dance' (WB). Very poor \$6,000. Only good day's biz was on the opener, when Lucille Ball and Maureen O'Hara, of the screen cast, personalized for four shows. Last week, 'Lucky Partners' (RKO), poor \$7,500.

Shubert (RKO) (2,150; 39-47)—'Sea Hawk' (WB). Transferred from Albee for second week. Excellent \$8,000. Last week, 'Stayed Breakfast' (Col) (2d run), okay \$3,800.

'Boom Town' Smash \$12,500 in Seattle

Seattle, Sept. 10. 'Boom Town' boomed into two biggest local theaters, Fifth and Paramount theatres, day and date, for right smart box office, with the tariff lifted to 65c; 15c for the kiddies. This is the first try locally at upping admission prices, except for roadshows, in years.

Kit Carson was plenty good at the Orpheum and warranted holdover, but shifted to Music Box. Paramount, going strong with 'Drive by Night,' which holds second stanza. Palomar, vaude also stays unchanged, except Radio Rangers going in.

'Rhythm River' now move to Blue Mouse. 'Young People' still plenty hot. Roosevelt, holding 10th week and making run record at this spot. 'Stayed Breakfast' at Liberty also holds over.

Estimates for This Week
Blue Mouse (Hamrick-Evergreen) (650; 30-40-50)—'Rhythm River' (Par) and 'Chan Murell' (20th). Moved from Paramount, indicates good \$2,500. Last week, 'Round Mountain' (Par) and 'Tom Brown' (RKO) (five days), \$1,700, slow.

Columbia (Hamrick-Evergreen) (1,900; 21-35)—'Tumacacori' (UA) and 'Untamed' (Par) (2d run). Set big

\$3,200. Last week, 'New Moon' (M-G) and 'Biscuit Eater' (Par) (2d run). Okay \$3,100.

Fifth Avenue (Hamrick-Evergreen) (2,840; 40-50-65)—'Boom Town' (M-G). Big bally campaign aiding to \$12,500, and holding. Last week (30-40-50) 'Lucky Partners' (RKO), solo (2d wk.), five days \$3,800, fair.

Liberty (F&M) (1,650; 30-40-50)—'Kit Carson' (UA) and 'Girl Ave. A' (20th) (2d wk.). Moved from Orpheum, look to fair \$1,900. Last week, 'Love You Again' (M-G) (4th wk.), \$2,800, big.

Orpheum (Hamrick-Evergreen) (850; 30-40-50)—'Dance, Girl' (RKO) and 'Crowded Night' (RKO) (2 days). Very bad \$2,500. Last week, 'Kit Carson' (UA) and 'Girl Ave. A' (20th), \$7,300, sturdy.

Palomar (Sterling) (1,350; 30-40-50)—'Drive By Night' (WB) plus vaude (2d wk.). Big \$6,000. Last week, \$7,500.

Paramount (Hamrick-Evergreen) (3,039; 40-50-65)—'Boom Town' (M-G). Socks \$12,500. Last week (30-40-50), 'Rhythm River' (Par) and 'Chan Murell' (20th), \$7,000, big.

Roosevelt (Sterling) (800; 30-40-50)—'Heaven Too' (WB) (5th wk.). Good \$2,500. Last week, \$3,000, good.

Wilder (Sterling) (800; 16-23)—'Susan and God' (M-G) and 'Florine' (M-G) (2d run). Okay \$1,900. Last week, 'Lillian Russell' (20th) and 'Opened by Mistake' (Par) (2d run), \$2,300, big.

MILLER-MARGIE GREAT \$28,000 IN BOSTON

Boston, Sept. 10. Two smash-bizs competing for top money in the city. 'Hired Wife' at the Keith Boston stage with 'Margie' (U) screening, and 'Sea Hawk' on a dual bill at the Metropolitan.

'Love Again' at the Orphe and State, and 'Lucky Partners' are holding over this week.

Estimates for This Week
Boston (RKO) (3,200; 40-50-65)—'Margie' (U) with Glenn Miller band on stage, at tilted scale. Whamming in about \$28,000, socko. Last week, 'Hold Woman' (Prod) and 'Doomed to Die' (Mono), with 'Lucky Partners' on stage, days; and 'Daltons' (RKO) (2d run) and 'Mrs. Bradford' (RKO) (reissue), dual, three days, very pleasing \$11,500 at 28-39-44-55 stage.

Fenway (M&P) (1,332; 28-39-44-55)—'Sporting Blood' (M-G) and 'Public Debt' (20th). So-so \$4,000 promised. Last week, 'Fighting Gold' (WB) and 'Sing, Dance' (Rep), \$5,000.

Keith Memorial (RKO) (2,907; 28-39-44-55)—'Lucky Partners' (RKO) and 'Argentine Indicated' (U) (2d wk.). Aiming at fine \$14,000. Last week, nifty \$19,000.

Metropolitan (M&P) (4,367; 28-39-44-55)—'Sea Hawk' (WB) and 'Chan Wade' (20th). Opened to stampee biz and held strong over weekend, shaping up to terrific \$24,000. Last week, 'Rhythm River' (Par) and 'Money Woman' (WB) (2d wk.), \$12,500.

Orpheum (Loew) (2,200; 28-39-44-55)—'Love Again' (M-G) and 'Blondie Servant' (Col) (2d wk.). Should hit about \$14,000, okay. First week, sock \$22,000.

Paramount (M&P) (1,797; 28-39-44-55)—'Sporting Blood' (M-G) and 'Public Debt' (20th). Around \$6,000, so-so. Last week, 'Fighting Gold' (WB) and 'Sing, Dance' (Rep), \$5,000.

Scollay (M&P) (2,538; 28-39-44-50)—'Fighting Gold' (WB) (continued run from Par and Fenway) and 'Scatterbrain' (Rep) (2d run). Medium \$4,000 indicated. Last week, 'McGinty' (Par) and 'Love Come Back' (WB) (both 2d run), dandy \$5,500.

State (Loew) (3,600; 28-39-44-55)—'Love Again' (M-G) and 'Blondie Servant' (Col) (2d wk.). Around \$8,000, okay. Last week, hefty \$15,200.

FANS REMAIN SEATED DESPITE NEARBY FIRE

St. Louis, Sept. 10. Assurances given by Harry E. Boston, manager, and Leon J. Bernol, Jr., an usher, that they were 'no danger, kept 900 customers seated in the Ansell Bros. Empress Friday (6) while firemen battled a \$6,000 blaze in an adjoining building. Some of the audience, alarmed by the noise of crashing glass, became nervous but Boston and Bernol walked up and down the aisles and quieted them.

The blaze started on the Associated Doctors' Medical Service and attracted a huge crowd as this location is in the heart of the midtown night life in St. Louis. The heat was so intense that paint was burned from the theatre fire escape. Two firemen suffered foot burns, apparently from acid.

The claim is made that many of the houses concerned do 80% of their business on their cut-rate early admissions.

Milking Films in Det.; Bolger-Barnet Plus 'Divorce' Snare Nifty \$26,000

Golden Back at 20th

Hollywood, Sept. 10. Max Golden moved back to the 20th-Fox studio as assistant to William Koenig in the production department.

He was formerly an associate producer on the lot.

'WIFE' FINE 5G, MEMPHIS LAGS

Memphis, Sept. 10. The calm after the storm came to Main street this week. 'Sea Hawk' and 'Boom Town' having blitzed the town the previous fortnight, there's a lull at the moment.

Metro's four-star oil saga is still the top money-getter in its second week, which is a pretty fair indication of how frail business is with the first runs.

'Hired Wife' is making a fairly nice showing at the New Malco, but Charlie Barnet band and Foreign Correspondent' at Loew's Palace are having disappointing sessions. Neither carries marquee names that mean much in this sector.

Estimates for This Week
Loew's State (Loew) (2,600; 15-44-60)—'Boom Town' (M-G) (2d wk.). Petroleum romance luring 'em for maybe \$7,000 on holdover, a sockero. Last week, 'Boom Town' \$17,250, sensational.

Warner (Warner) (2,300; 15-40-55)—'Flowing Gold' (WB). It hasn't flowed so freely up to now; might push to \$4,000. Last week, 'Sea Hawk' (WB) (2d wk.), \$3,000, not bad for h.o.

New Malco (Lightman) (2,300; 10-33-44)—'Hired Wife' (U). Press praise is helping this one to possible goodish \$5,000. Last week, 'Rhythm River' (Par), \$5,500, good.

Loew's Palace (Loew) (2,200; 10-33-44)—'Foreign Correspondent' (UA). Critics' raves aren't doing this one too much good; rinks like week \$4,000. Last week, 'Ramparts We Watch' (RKO), \$5,000, very good.

Strand (Lightman) (10,000; 10-22-33)—'Lost Horizon' (Col) and 'Awful Truth' (Col) (revival). Three days; 'Wagons Westward' (Rep), two days; 'Curtain Call' (RKO), two days; \$1,800, very good. Last week, 'Biscuit Eater' (Par), three days; 'Captain is Lady' (M-G), two days; 'Phantom Raiders' (M-G), two days; \$1,400, sub-par.

Cut-Price Moves
Continued from page 7

thing about it either before or immediately after the state convention to be held here Oct. 2-3.

Trouble dates back to 1933 when all concerned entered into an agreement on prices and protection, and the abuses complained of are said to have grown steadily worse ever since that time.

Under the terms of the agreement, houses that played matinees were permitted to continue their matinee prices until 6 p.m. Then, however, which normally had no matinees, began opening their doors at 5:30 p.m. at a price below their evening admission—15c where the regular night price was 25c; 25c where regular night price was 40c and so on.

Houses that had a 15c night price felt they couldn't open early at 10c because they were getting little enough as it was. But some of them were forced in desperation to do just that, in addition to their giveaway nights, with the result that they've been having exceedingly tough going.

Theaters with the regularly higher admission prices get earlier releases because of their higher prices, but by putting in the cut-rate early admission gave the little fellows a price competition they couldn't stand and showed pictures the little fellows, by reason of their regularly lower prices, couldn't expect to get until several weeks later.

Some film exchanges are accused of being in on the combining, but the little fellows claim actually amounts to a conspiracy, and they have received legal advice that they may obtain redress in the courts. This is what they say it is coming to, unless the situation ironed out satisfactorily and quickly.

The claim is made that many of the houses concerned do 80% of their business on their cut-rate early admissions.

Detroit, Sept. 10. Pictures are being milked for all they are worth here, while product is sluggish and crowds are good. Detroit is taking on the looks of a crowd city again, what with \$250,000 having been ear-marked here on munitions projects, and the automobile graph starting to leap upward again.

Only the Michigan comes up with a whole new bill this week, combining vaudeville with 'I Want a Divorce.' Fox will split the week, going to Wednesday with the present bill and then opening on Thursday with its regular date with 'Brigham Young.' 'Boom Town' is into its third week at the United Artists and further example of extended runs here is 'Frank James' in its second week at the Adams after two weeks at the Fox.

Estimates for This Week
Adams (Balaban) (1,700; 30-40)—'Frank James' (20th) and 'Blondie Servant' (Col) (2d wk.). Looking for fair \$3,800, after \$5,000 last week.

Fox (Fox-Michigan) (5,000; 30-40-55)—'Stayed Breakfast' (Col) and 'Lady Question' (Col) (2d wk.). Estimates for a full week, including two days of 'Brigham Young' (20th), strong \$17,000. Last week hit same figure.

Michigan (United Detroit) (4,000; 30-40-55)—'Want Divorce' (Par) with Charlie Barnet band and Roy Bolger on stage. Will lead town with choice \$26,000. Last week, 'Rhythm River' (Par) and 'We Are Young' (M-G), good \$16,000.

Palomar (United Detroit) (8,000; 30-40-55)—'Rhythm River' (Par) and 'Way Flesh' (Par). Former picture moved over after week at Michigan, and will stay up with estimated \$8,000. Last week, 'Ramparts We Watch' (RKO), \$5,000, good.

United Artists (United Detroit) (2,000; 30-40-55)—'Brigham Young' (20th) (3d wk.). This one keeps clicking right along, with \$10,000 coming up after \$16,000 last week and a magnificent \$21,000 in its first.

'HAWK', \$9,200, OMAHA CLICK

Omaha, Sept. 10. 'Boom Town' is leading the parade in downtown Omaha at advanced prices and single-featured. Biggest front dash since the 'Union Pacific' world premiere and heavy newspaper space brought the crowd from the jumpoff and a second week is already set.

'Hired Wife' also is above normal. Ditto 'The Sea Hawk' at Orpheum. All figures are considerably above the slump of last week and the reason is not hard to find—better pictures.

Estimates for This Week
Omaha (Tristates) (2,000; 10-40-55)—'Boom Town' (M-G). Big \$13,500. Last week, 'Rhythm River' (Par) and 'Those Days' (Par), \$8,500, fair.

Brandels (Mort Singer) (1,500; 10-25-35-40)—'Stayed Breakfast' (Col) and 'Millionaires Prison' (Col). Very good \$6,500. Last week, 'Lucky Partners' (RKO) and 'Military Academy' (Col), fair \$5,600.

Orpheum (Tristates) (3,000; 10-25-40)—'Sea Hawk' (WB) and 'Chan Wax' (20th). Good \$9,200. Last week, 'Man Married' (20th) and 'Round Mountain' (Par), just fair \$8,300.

State (Goldberg) (900; 10-20-25)—'Sing, Dance' (Rep) and 'Tom Brown' (RKO), split with 'Lucky Cisco Kid' (20th). 'Ann Windy Poplars' (RKO) and 'Alias Deacon' (U). Fair \$1,500. Last week, 'Scatterbrain' (Rep) and 'God's Country' (Rep), split with 'Brother Orchid' (WB) and 'Kidnare's Case' (M-G), fair \$1,700.

Town (Goldberg) (1,500; 10-20-25)—'Rocky Mt. Ranger' (Rep) and 'Wagons West' (Rep) and 'Boys City' (Wono). With 'Lucky Cisco Kid' and 'Caliente' (Rep). 'From City' (RKO) and 'Rancho Grande' (Rep), tripler and 'Orchid' (WB) and 'Sherlock Holmes' (20th). Ordinary \$1,400.

Last week, 'King of the Rascals' (WB) and 'Earl Grey Stone' (Rep), tripler split with 'On Spot' (Mono), 'Texas Steers' (Rep) and 'Man Monday' (WB), and 'Millionaire Play' (RKO) and 'Full Confession' (RKO), ditto.

Avenue-Military-Dundee (Goldberg) (950-600-300; 25)—'Orchid' (WB) and 'Kidnare's Case' (M-G), split with 'Women War' (Rep), 'Wagons West' (Rep) and 'Ann Windy Poplars' (RKO). Nice \$1,400.

Last week, 'Scatterbrain' (Rep) first-run and 'God's Country' (Rep), split with 'Flight Angels' (WB) and 'Tom Brown' (RKO), good \$1,500.

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104434B

R K O
RADIO
V

Lawrence (Metro) and Lange (Par) Want to Return to Europe Shortly; All Cos. Liquidating Foreign Biz

With Hitler's occupation of the low countries and France, he virtually wiped out all U. S. film distribution and so severely dislocated all distributor setups that just now the major U. S. companies are mapping plans to adjust their setups to new conditions. Main task will be that of liquidating company business where Hitler controls the territory. First European manager to start liquidation process is Ludwig ('Laudy') Lawrence, Metro's European head, now in N. Y. He plans to leave for Paris some time this week. Fred Lange, Paramount's European chief, also in New York, may likewise shove off soon for France for the same purpose.

Another task naturally will be the reassignment of key managers abroad and to give new assignments to European managers. Bulk of these major company managers presently are in New York. Some may be held in the N. Y. home office or other sections of the domestic department, while others likely will be given the task of developing business in laggard foreign territories. Ace managing directors were in the European spots and consequently shifts will be to new vital posts. In the meantime, these European managers are marking time and hoping for the best but knowing little about where they will be transferred.

May Shift Later

Foreign chiefs in New York see no immediate chance of getting back into territories where the German government has taken over and halted American company distribution. Later, a more co-operative attitude may be adopted by the Nazis, especially if German product fails to satisfy. But until that is done, all the German-controlled districts have been written off the operating setup of U. S. companies.

Lawrence still has active Metro distribution in Sweden, Finland, Switzerland, Portugal, Spain, and also manages India, the Near East and much of Africa besides strictly European countries. His liquidation will cover France, Belgium, Holland and other Nazi-controlled countries where Metro has been ordered to halt distribution. Eventually he may headquarter in Lisbon or Barcelona.

Ben Miggins, 20th-Fox European chief, is at the home office waiting for orders but probably will make his permanent home in Manhattan while working in the foreign field. William B. Morgan, company's managing director for Belgium, France and Switzerland under Miggins, reached N. Y. about 10 days ago. He was one of the last U. S. film officials to quit Bordeaux being in the French town when it was bombed by Nazis. Morgan has been in Lisbon, keeping in touch with developments in France as best he could.

Also of the 20th-Fox contingent presently in New York are Dell Goodman, Far East managing director, from Shanghai, and Otto W. Bolle, in charge of operations in South Africa. If Japan is lost to American companies, Goodman's territory may be changed to include countries outside the strictly Far East region.

Schless Still in U. S.

Robert Schless, Warner Bros. managing director for Europe, who was in U. S. for the domestic sales convention when the blitz swept through France, has been hoping for weeks to get back and make change but has been held at the home office in N. Y. Schless wanted to return to Europe as soon as the armistice was signed between France and the Axis powers but apparently was ordered to stay here until a better conception of developments is obtained.

Reginald Armour, RKO European chief, is headquartering in Lisbon, according to latest word, from which spot he can go over to France when liquidation starts. Arthur Kelly, United Artists foreign sales chief, who has charge of Europe for the company, presently is on the Coast. Ernest Koenig, Universal's manager in Europe, still is in Paris where he has advised that there is no business for American companies in Nazi-occupied territory and only

meagre business coming from unoccupied areas of France. Koenig, who was in Holland at the time the Germans started their trek through the Lowlands, got from Brussels to Paris by riding a bicycle. Alex Stein, Columbia's European chief, is some place in Europe, according to word at the N. Y. office.

Arthur Field, who had charge of Metro's synchronization studio in Paris, and was general aide to Lawrence, presently is in Hollywood.

U.S.-S. American Good Will Helped By Stoki's Tour

Buenos Aires, Sept. 10.

There's no such thing down here as a Gallup Poll, and so getting the reaction of Mr. and Mrs. Juan Publico, especially in show biz, is something that's still in the guess-the-beans-in-the-barrel stage.

However, readers were asked by this correspondent to pitch with reactions on Stokowski's good-will tour. It was the first time such a stunt had been tried. The response was terrific. Letters came from all over Argentina—although the orchestra played only B. A. and Rosario; from Uruguay (they played three concerts in Montevideo) and from distant Paraguay, Chile, and Bolivia, where the orchestra was heard only by air.

Although necessarily not complete, the results helped give the orchestra management the incentive to schedule four additional pop-price concerts and caused Stokowski to arrange an all-request program, also the first time such a thing had been done here. All of which indicates the tremendous good will achieved on the Pan-American angle, a factor also true to the recent Toscanini-NBC orch tour.

Total cost to the orchestra was five pairs of ducats. Which just goes to show what can be done here with an idea that in the States might be passed over as old stuff.

Many of the writers said they thought the visit would result in the formation of youth orchestras here.

Adverse letters were about 2% of the total, which is about as good as any plebiscite ballot-counter could wish.

English Coin Tied Up By Nazis Insured In 50% Gov't Loan Plan

London, Aug. 27.

Film exporters operating with British product come in for a financial break following announcement government will advance a sum up to 50% against coin tied up in Nazi-occupied lands. Exporters are to file their claims with committee on outstanding debts.

Later body will advance the percentage, via a loan, due for repayment six months after war termination.

Fifteen territories have been listed by government, including the channel islands.

BRITISH FILM BIZ AFTER FUNDS FOR WAR PLANES

London, Aug. 27.

Latest activity of various groups in film biz is subscription drives for purchase of fighter aircraft, part of the war effort. Exhibs and production groups, all separately concerned in the coin-getting urge, were appealed to by Arthur Dent, of Associated British Pictures, to get together as a body.

He sees a larger take for the industry as a cooperated force, able to account for a squadron of planes.

'Stoki' Is Simpler

Buenos Aires, Sept. 10.

The name of Stokowski seems to have given South Americans no end of trouble. Leopold was changed to Leopoldo on all billing and the press spelled his name Stokowsky and Stokowski. General pronunciation was Tuh-cock-ee.

Maestro himself became quite fond of the local manhandling of his moniker and often joked with orchestra members about it.

S. A. THEATRE NEED HITS U.S.

Only long-range planning and further intensification of promotion will bring the anticipated upbeat in U. S. film business in Latin-American countries, according to belief of picture company foreign department executives recently in South America. While there has been a slight improvement in business in certain South American nations, these countries are suffering the stalemate presently being experienced in this country as a result of the war. Their European markets are cut off and many took a beating with foreign bonds.

Lack of modern theatres in the Latin-Americas is the present crying need. In the few areas where there are any considerable number of cinemas, oversaturation problem exists. In others, where not enough first-line theatres are available, distributors are unable to get favorable rentals.

While South America and Central America have the population, and size to provide an excellent market, it is presently also suffering from a dearth of theatres.

Recent estimates in New York are that even with new theatre-building programs in South America, it will take until 1941 or possibly 1942 before any material increase in business is felt in the Latin-Americas by American companies.

British Gov't Aid Plan Would Install Non-Pro Unit to Eye Pic Prod.

London, Aug. 27.

Further viewing of government's finance bill, providing coin-inflation to British pic industry, sees measure is a cinch for tieup with a film commission such as recommended by the Moyne report of '38. Body would thus have wide powers for legislating film-making on this side, covering financial control of the biz as well as distribution and exhibitor angle.

If any commission is set up along lines suggested by Moyne code, intention therein would be for a chairman and small supporting membership, none of which would have or has had professional or financial contact with film production in any branch. Whether such a setup would jell with existing pic interests today is questionable.

Reports continue to associate name of Eugene Palache, city banker, with preparations for the government assistance plan. This reawakening of interest in the measure is held to be due to Board of Trade efforts to create a compact bill ready for presenting to the house when war conditions permit.

'Gone' 80G Cracks 56G Jolson Mark, Manchester

London, Aug. 27.

Metro release of b.o. figures for 'Gone' on its Manchester run getting plus going-over by the trade, with zowie comment on record biz pic has set up during its 12-week screening there at the Gaieity. Pic stays indie.

Selznick pic gross over \$80,000, smashing figure at \$56,000 set up and held till now by Jolson's 'Singing Fool'.

'Gone' Soaks In S. Africa

Cape Town, Aug. 10. Agitation against increased prices has failed to upset sock business for 'Gone With the Wind' in Johannesburg, Durban and Cape Town, South Africa.

Col.'s McConville Takes Exception To Reports on So. American Market; Brazil Paper Reprints 'Variety' Yarn

New York, Sept. 6.

Editor, VARIETY:

VARIETY, in its issue of July 3 last, published an article under the caption: 'Minimizes South American Biz.' This article referred to the high illiteracy rate in South America which created bad business situation for American motion picture companies in that territory.

The article apparently was quoting the foreign sales manager of an American motion picture company. The article further stated: 'Latter's repudiation of the South American market is consistent with that of Joe McConville, Columbia Pictures' foreign chief, upon his return of a Latin American survey some time ago.'

I have never, for publication or in conversation off the record, given vent to any such expression, nor is this a correct interpretation in any sense of my views as regards conditions in South America.

That the publication of an article of this type places me in a false position, not only with the organization in South America but with exhibitors and publications in that territory, is only one of the harmful effects that is created. It promotes ill feeling on the part of government in South America and creates in its final result a hostile attitude toward me and toward my company, which is ill-deserved in as much as the article in its entirety as it refers to me is completely untrue.

The fact that the foreign sales manager for some other company whom you refer to, was guilty of such bad taste as to offend the people of countries with whom we have cordial relations is really no business of mine. It is obvious from the tenor of this letter that I do not agree with it, nor would I have our friends in South America for one moment think that I do.

On my return from Latin America in April I talked casually with a number of representatives of American motion picture trade papers, who were gathered at one time to talk to me. Resultantly VARIETY on April 17 printed an article under the caption: 'McConville Discredits Biz Expansion of U. S. Film Firms in Latin America.'

Qualify Statement

My only statement on that occasion was to the effect that it was not reasonable to expect to retrieve losses being suffered on account of the European War from the South American market, due to the fact that American film distribution in these Latin Republics was very well developed at the present time.

This same article referred to the limited possibilities for distribution in certain 'honky-tonk' theatres in the interior. This I certainly did not intend be construed as reflection on South American markets inasmuch as small communities in every part of the world have theatres which fall into this identical category.

The delay in addressing this protest to you by reason of the lapse of time from July 3 to the present date is occasioned by the fact that I did not see the article, nor did anyone call it to my attention, until I was advised of an article which was printed in O Imparcial in Rio de Janeiro on Aug. 22.

Both of these articles taken in association with each other you must agree, have so definitely colored and misstated both my attitude and my expressions, that some effort should be made both by me in this appeal to you and by VARIETY in printing the content in all fairness, of this letter.

Joseph A. McConville,
Foreign Manager.

P. S.—I am attaching hereto copy of the translation of the article received from Brazil, to which we have referred.

TRANSLATION

(O Imparcial)—Thursday, Aug. 22, 1940

How We Are Seen by Our Yankee Friends

In its edition of July 3, 1940, VARIETY, which is a well-known paper in all movie circles, published on pg. 15, the following article, which we are translating—almost—literally, in order that we are not considered as 'traitors':

It Is Due to Illiteracy

The foreign director of a North American company says that the Ar-

gentine and Uruguay have, in spite of their higher living standard, a bigger average of illiterate people than North Carolina, which, with her 14.9% has a higher illiteracy percentage than any other state.

Proving His Viewpoint

The foreign superintendent of one of the biggest North American motion picture companies declares that the high degree of illiteracy is the main reason why the North American film producers' efforts to compensate the losses they have in Europe by a sales increase in South America are in vain. This gentleman does not want his name mentioned in connection with this declaration.

However, this repudiation of the South American market coincides with the opinion of Joe McConville, foreign manager of Columbia Pictures, after the inspection trip he made a while ago to Latin America.

It is not worthwhile, says the first mentioned gentleman, to build theatres or to make any additional effort in order to increase the revenues in such countries as Brazil, where a part of the population is compound of Indians (?). These people are very primitive and not even the coming generations will be moviegoers, in spite of the fact that they are included in the statistics between the kind of population with which some distributors still count for the future.

The interview is continued by reflections which justify the subtitle of the article, which nearly takes an entire column of VARIETY, saying that there are more than 15% illiterate inhabitants in the Argentine and Uruguay, although their living standard is superior to the North American one, where things have come to the perfection of having only 1% of people unable to read, as it is the case in Maine. Proving his point of view, he makes a comparison between Baranquilla, in Colombia, where from 150,000 inhabitants only 3,000 are moviegoers, while in any North American town there are 35,000 moviegoers between an equal number of inhabitants.

At the end, this gentleman states that 'pictures, the plot of which is localized in South America, as for instance "Down Argentine Way" or "They Met in Argentina" have not so good results in the South American market because the natives (?) do not permit that the authors of the plots write freely, laughing at the picture which, as they know by experience, do not reproduce their country with exactitude.

As 'mot-de-la-fin' we want to inform you readers of the following: This Mr. McConville may have examined other South American markets, but not ours. His stay in Rio was only of eight hours, the time he left the station on his trip from Buenos Aires to New York, as passenger of one of the Good-Neighbor-Flight boats...

Therefore, what authority has this gentleman to say that a great part of the Brazilian population is compound of Indians? If there is someone to blame, let us first see wherefrom he got these information about the 'natives' of Brazil.

CERVANTES' CHAIN OF 7 CLOSED BY STRIKE

Mexico City, Sept. 10.

Seven cinemas of the Cervantes circuit, a local neighborhood chain, are closed by a strike to enforce demands for a 25% wage increase and other concessions. The exhibitors call the demands exorbitant.

The strikers aver that what they want is reasonable because the cinemas are making so much money.

Venturo Held In Theft

Mexico City, Sept. 10.

Alberto Garcia Dominguez, professional Mexican ventriloquist who has worked in the U. S., is in jail here accused of burglary. Police say he exercised his art to rob a local beer parlor of \$2,400.

Dominguez, the cops aver, diverted the attention of the woman proprietor while a pretty girl confederate looted the safe.

**"GIVE 'EM
WHAT THEY
WANT,"
WAS HER MOTTO!**

— And "Tiger-Lily" White, hot-stepping star of a flashy girl show, had plenty to offer!... See her battle for a man with the girl who thought talent alone was the way to success! ...Hear her sing the tantalizing lyrics of "Mama, What Do I Do Now?" and "Jitterbug Bite."... in the most daring, most intimate footlight drama since "Stage Door."



MAUREEN
O'HARA • **LOUIS
HAYWARD**
LUCILLE
BALL

in Vicki Baum's
story

DANCE GIRL DANCE

VIRGINIA RALPH
FIELD • BELLAMY

MARY CARLISLE • KATHARINE ALEXANDER • EDWARD BROPHY
WALTER ABEL • HAROLD HUBER and MARIA OUSPENSKAYA

HARRY E. EDINGTON—Executive Producer
Produced by ERICH POMMER • Directed by DOROTHY ARZNER
Screen Play by TESS SLEWINGER and FRANK DAVIS

RKO
RADIO

Miniature Reviews

GIRL FROM HAVANA

WYOMING

HIRED WIFE

(WITH SONGS)
 Repeatable release of Robert Ross 1944 production. Directed by Lewis Allen. Screenplay, Karl Brown; additional dialog, Malcolm Stuart Hoyle; camera, Ernest M. Hall; editor, William Morgan; music, John Payne, George H. Brown, Sol Meyer; musical director, Cy Feuer. Reviewed in *Times*, Sept. 10, 1946, p. X, Sept. 5, 1946. Running time, 69 MINS.

Woody Davis.....	Dennis O'Keefe.....
Thelma.....	Clairie Cahoon.....
Sam.....	John Davidson.....
Child.....	Steffi Duna.....
Tubby Waters.....	Gordon Jones.....
George.....	William Hopper.....
Harrigan.....	Abraham Lincoln.....
Capt. Lutzer.....	Abner Biberman.....
.....	William Hopper.....
Brown.....	Frederic Bordeine.....
Mancel.....	July Sayre.....
Peck.....	Frank Luckey.....

The original premise that ushered Metro's 'Boom Town' to boxoffice prominence should have reverse reacted. The Republic's 'Girl from Havana' is a little different. The columnist stuff to add to the original idea of oil drilling in South America, 'Girl from Havana' has enough action for the youngsters, but to more adult minds isn't garish. The story's main response.

Republic has given Claire Carlton, former legiter who is increasingly being likened to Jean Harlow in looks and mannerisms, her first role of note, and though she shows little of the 'It' that made Harlow a blonde personality, and ability to put over a song exceed the aforementioned. The character as written, however, is inconsistent.

Lowlanders' direct, flat, pacing is especially pertinent, especially in the insistent of the musical's sequences. However, Miss Carlton's warbling of the title song eliminates that factor to some extent, but not so in the singing by Steffi Duna of "Querido, Take Me Tonight," a non-descript native tune.

This third edition deals with two oil-drilling pals (O'Keefe and Victor Jory), who go for the same dame (Miss Carlton)—yeah, again—but the ultimate victory of O'Keefe—following several situations in which he finds himself as a member of a gun-running outfit supplying insurance. Rest of the cast is generally good.

CITY FOR CONQUEST

MARKED MEN

Producers Releasing Corp. release of Signet-Nudeo production. Features Warren Hull and Isabel Jewell. Directed by Sherman Scott. Original by Harold Greenlee. Screenplay by George Barr; camera, Jack Geenhalgh; editor, Kolbros. Todd, A. Strand, Brooklyn, week Sept. 6, '40, dual. Running time, 63 MINS.

Bill Carver.....	Warren Hulst.....
Linda Harkness.....	Janet Jewell.....
Dr. Harkness.....	Joe Moxley.....
Joe Mallon.....	Paul Braxton.....
Charlie Sloane.....	Charles Williams.....
Marshall Talt.....	Lyle Clemens.....
Marvin.....	Budd L. Duster.....
Glimpy.....	Al St. John.....
Marty.....	Eddie Featherston.....
Mike.....	Ted Krivine.....
Hilmp.....	Art Miller.....
Gray Shadow.....	The Dog Wolf.....

Passably exciting, melodramatic story herewith is bungled by quickie production methods, inept acting and poor direction. Result is wobbly dual fare which won't cause b.o. excitement on any twin bill.

The familiar yarn of the innocent convicted man who is blamed for a fatal prison break when gangster frame him eventually sees the framed man exonerate himself. He does this by taking the five mobsters on a long trek (supposedly to escape the sheriff's posse after

Rangers of Fortune

bank robbery) through the hot sand of an Arizona desert. This twist is not developed until the final footage, and even then appears as an afterthought which never gels the dramatization it deserves.

Warren Hull, as the 'marked man' seeking to prove his innocence, is fairly good during episodes with the mobsters out on the desert waste. Previously, as the escaped con, striving to begin life anew, he is not so good. Isabel Jewell, as the village doctor's daughter, who falls in love with the stranger, is a disappointment.

ment throughout. Paul Bryar, heading the support as the gang leader, is convincing most of the time. Gray Shadow, police dog, proves as interesting as some of other actors.

Wear.

Jobs Back Assured All Interstate's Soldiers

Fort Worth, Sept. 10.
Security of their jobs and financial

been promised employees of the two largest theatre chains in Texas who enter military service for national defense, Karl Hoblitzelle, head of

Consolidated Theatres, Inc., has advised all employees that their jobs will be waiting for them when they return.

The policy is applicable to all em-

The company's aim, Hoblitzelle declares on posters placed in managers' offices and ushers' dressing

rooms, will be to see that none of the employees who answer their country's call undergoes financial hardship during their training period.

..

RIGHT UP THE OLD BOX OFFICE!

*It's LAUGH-POWER plus NAME-POWER
to make TICKET-SELLING POWER!*

It's This season's comedy hit!

It's This year's MONEY show!

**FROM UNIVERSAL
FOR IMMEDIATE DATING!**

UNIVERSAL presents

ROSALIND BRIAN
★RUSSELL★AHERNE
★VIRGINIA BRUCE

in

Hired Wife

with
ROBERT JOHN
★BENCHLEY★CARROLL

Hobart CAVANAUGH Richard LANE

Produced and Directed by WILLIAM A. SEITER

Based on an Original Story by George Beck

Screenplay by RICHARD CONNELL, GLADYS LEHMAN

Associate Producer: GLENN TRYON

**NATIONAL RELEASE
SEPT. 13th**



Wolcott (Indie) and Wilby (Par) Give Divergent Views on Decree

From the large group of briefs, letters and complaints sent to Attorney General Jackson, urging him to re-consider the proposed terms of settlement by consent decree of the film anti-trust case, VARIETY has selected two dissenting views as typical of many.

First of these, was prepared by Robert Wilby, head of Wilby-Kinney theatre enterprises, and chairman of the southern group of Paramount distributors, who are opposed to the terms of the decree. Wilby insists that all the evils alleged to exist under the current blockbooking and blind selling method of distribution are intensified and legalized by the five-picture group scheme contained in the consent decree.

Leo F. Wolcott, president of Allied Theatre Owners of Iowa-Nebraska, Inc., declares that unless the sales provisions in the decree are modified so as to permit cancellation up to 25%, "the selling and showing of many unworthy pictures will be sanctioned by the Government."

By LEO F. WOLCOTT

Regarding the proposed Consent Decree settlement of the Government's suit against the motion picture monopoly as per the draft dated Aug. 3, it is the belief of this organization that little if anything will be accomplished by its adoption toward elimination or control of this monopoly or of the many unfair trade practices to which the thousands of independent theatres are subject.

We agree in principle that the suggestions made by Allied States Association in their letter to Mr. Arnold dated Aug. 15 would somewhat strengthen and clarify the proposed Decree but we cannot agree even then that the proposed Decree will improve business conditions in this industry. As the Decree leaves so many loopholes of escape from its several provisions as to be almost impossible to enforce and arbitration will be found practically unworkable in the multiple and complex interests of this industry.

Object Strenuously

We object strenuously to the provision which would legalize Clearances and Protection and to that which would require feature pictures to be sold in blocks of not more than five without cancellation, after screening in the exchange centers. This five picture block would work a real hardship on these thousands of smaller town theatres throughout the country which use from three to five feature pictures each week. It would abolish any steady source of supply which is so necessary to their successful operation. This plan would increase the cost of selling pictures many times over and would place these exhibitors at the complete mercy of the distributors. The distributors would undoubtedly place one or two good pictures in each group and require the exhibitor to take the five or none. This is a return to enforced block booking with a vengeance. And would result, we are sure, in the showing of many unworthy pictures which are now eliminated under the 10% and 20% cancellation privilege. We are also certain the increased selling cost would result in many of these small theatres closing their doors, as their success today is dependent entirely upon bringing quality entertainment to the masses of the people at low prices.

Would Lose All the Ground

We feel certain that existing conditions allowing 10% and 20% cancellation are far better than any condition which would entirely eliminate the cancellation privilege. As we view it, this proposed Consent Decree would lose practically all the ground we have gained in the last several years of intense effort. We are sure a 20% to 25% cancellation from all brackets of the entire annual output would be better for all concerned, as it would retain the benefits of wholesale selling so necessary to successful theatre operation and would properly reward good pictures while allowing ample elimination privilege to take care of the unworthy pictures.

We therefore urgently request that the five-picture selling plan be dropped from the proposed Consent Decree and that instead a cancellation privilege from all brackets of the entire annual output of feature pictures be adopted. We cannot too strongly urge upon you the tremendous importance of this provision to the great majority of theatres throughout the country. If we must have the five-picture selling plan then surely provision will be made for a cancellation of five. Without this, the selling and showing of many unworthy pictures will be sanctioned by the Government and through the Escape Clause, the distributors will return to full line enforced block booking in 1942.

By ROBERT WILBY

Section I

This section, taken of itself, seems an effort to meet the demand of some public groups for the elimination of so-called "blind buying." As a matter of fact, there is no practical elimination in it excepting for a relatively small number of exhibitors, the reason that in any given exchange territory the average exhibitor lives such a distance from the exchange center where the trade showings will be held that it will be expensive beyond his means to attempt to attend such showings.

If the exhibitor actually does not "buy blind" it is presumed that he must see the pictures which he buys and those which he refuses to buy. The very number of films produced would make it necessary that he spend an impractical amount of time viewing the pictures and spend it at periods selected by the sellers. Practically then it would probably be necessary that he spend time in the exchange center almost as great as the time which he could spend in his theatre.

Involve Additional Capital

It developed at the Neely Bill hearings that this cost of trade showings before sale would be rather tremendous and involve large additional amounts of capital for the distributor. On the theory that Jones pays the freight, the exhibitor of America would be the payer of these large sums of money for trade showings which only a small number of them could attend with regularity or from which they could benefit. Insofar as this section alone is concerned, the net result would be a considerable expense to the motion picture industry, borne by exhibitors with no evident benefit to them or to the public attending theatres.

In England, where the trade showing method of selling without limitation on the number of pictures sold after trade showing is used, the film rentals are said to average about 44%, which is almost 50% higher than the estimated average in America. At the same time the English theatres, by and large, are of a poorer type than the American, less progressively operated, generally poorer in appointments and comfort, pay lower wages, and are operated at an average admission price considerably higher than that in America. It is at least a fair presumption that this is the result of the more expensive system of marketing.

Section III

Section III provides for the maximum sale of five pictures in a group. The practical effect of this is the block sale of five pictures as a group and therefore the block booking of five pictures. Most of the motion picture distributors now readily admit their intention so to market their film. It is self-evident that the motion picture distributor will make up his blocks in the manner which will be most effective in selling the most pictures. He can be expected to put one great picture with other weaker ones, or two by good ones with three fair ones, or to lock them in groups so balanced as always to force the exhibitor to buy that which he does not want in order to get that which he needs. It is evident that that which he does want can be controlled somewhat by the distributor's public advertisement, ballyhoo and the like. It seems also just as a means of disposing of the cheaper pictures the distributors will go to considerable ends to build up what might be called a sales leader, so that this fixed block of five can well be expected to have even a greater effect than the present program selling in boosting the rather fantastic salaries at Hollywood of the now established stars. It seems also just as a means of ordinary common sense merchandising that the distributor can afford to pay fabulous sums for a single picture if he can with that picture force the sale of four other pictures which have been cheaply made and

Williams' New Case

Washington, Sept. 10. Paul D. Williams, assistant attorney-general, who was trial counsel for the Government in the anti-trust suit against major film companies, has been assigned to prosecute an anti-trust action against a group of food companies in Chicago. Fact that the film case is being closed up by a consent decree between the Government and the defendant companies, releases Williams for other important cases.

Further legal angles in the film suit will be handled by James V. Hayes, Williams' assistant, who has been active in the settlement negotiations.

which will not sell on their own merits.

The much criticised "block booking" has no evil which the sale of blocks of five does not accentuate, and at the same time such blocks completely nullify whatever elimination of "blind buying" may be in Section I. It is clearly of no benefit to the buyer to see that which he is to buy if he has no opportunity to refuse that which he does not want. Since he must buy in fixed blocks of five, his buying or not buying is going to be largely determined by the one or two, or at most three pictures in that block, so that insofar as the other two are concerned, he must simply take them in order to get that which is essential to the operation of his theatre, and he therefore truly and practically must buy them blind.

When he has then bought a block of five pictures not of his own selection, he will inevitably have on his hands some one or two or three which he might do better without. Exhibition in his theatre at the admission prices warranted by the best of the group. He then has the choice between paying for them and not playing them or taking that other evil of double features, whether or not his patrons want this policy. The net result of the block of five taken from a practical view, make inevitable the double features in those theatres which definitely do not desire to play double features and which have found it inadvisable to play them under the present marketing system of the motion picture industry.

Cancellation System

Under a cancellation system as once existed, an exhibitor could at least eliminate the worst 20% of a distributor's pictures, without giving up any of the better pictures from that same distributor. Under this proposed arrangement it will not be possible to play all of the best pictures from any given distributor unless the exhibitor play also all of the worst. His actual choice in the product to play his theatre is then greatly lessened, not increased, by this method of marketing.

The necessarily slower movement of product from the distributor to the theatres, under the proposed plan of selling in groups of only five, will cause the average age of the picture in theatres to be much greater than it now is. Since no small part of the public demand for and interest in a picture comes from the advertising emanating from its early runs - newspaper reviews, magazine criticisms, radio comments, news through movie commentators and all of that - the returns on the picture, especially in the smaller towns, going to be lessened, and there must follow some public dissatisfaction because of what the public will consider the exhibition of "old pictures" by the local theatres. To practical operator of theatres this is a considerably more serious result than it may seem to one with no practical experience in the operation of theatres.

Don't Eliminate Blocks

Sections I and III combined actually do not eliminate blind buying and block booking, but instead accentuate all of the evils which now exist in theatres and take away from the exhibitor that amount of choice which he has secured through his various trade conferences, his rows and his battles of the past several years.

TITLE CHANGES

Hollywood, Sept. 10. "The Amazing Story of Sergeant York" was shortened to "Sergeant York" at Warners. "The Californian" at 20th-Fox becomes "The Man Who Defied Zorro" for the Latin-American trade. "Meet the Fleet" new tag on "Anchors Aweigh" at Warners. "Beyond Sacramento" is release tag for "Ghost Guns" at Columbia.

Army Post Cinemas Expected To Double Present 400G Rentals

Consent Decree

Continued from page 5

of 20% would please exhibitors more than the prohibition of yearly selling and the untied scheme of limiting groups to not more than five films, each of which must be completed and trade-shown before offered for exhibition. Justice department officials contend that the clause as written does not prohibit any exhibitor from negotiating for a cancellation privilege, provided his buying power is strong enough to force his condition on the distributor.

There remains to be completed, before negotiations with the film companies are terminated, an agreement on a mandatory clause to be inserted in all film contracts compelling arbitration of clearance disputes between competing theatres. No difficulty is anticipated in this connection with theatres owned and operated by the defendant film companies, which are parties to the consent decree. There are practical difficulties in the way, however, for enforcement of arbitration on any exhibitor who is a third party. Legal advisers of some of the protesting groups have contended that there is firmer legal ground on which to combat the consent decree on this point than on hardships which might arise from the selling clause.

Some of the suggestions which have come from exhibitors ask the Justice Department to waive the consent decree and grant a trial period for the trade practice code which was submitted to the department a year ago by William F. Rodgers and a group of distributors, following meetings with exhibitor bodies. Arnold turned down Rodgers' proposals and declared the provisions were in further violation of anti-trust laws. The assistant attorney general also stated that the only remedy for monopolistic practices and the only public protection was in divorcement of exhibition from distribution and production. Adherents of the Rodgers plan insist that the Government, having reserved divorcement action for at least three years, should try Rodgers' code, which contained cancellation privileges ranging from 10% to 20% in the lower rental brackets. Arbitration of industry disputes was in the hands of industry workers, under the Rodgers code, whereas the American Arbitration Society will handle claims under the new pact.

NW Allied's Protest

Minneapolis, Sept. 10.

Northwest Allied here has sent a strongly worded telegram to U. S. Attorney General Robert H. Jackson in which it charges that the clause in the consent decree providing for the sale of pictures in blocks of five would cause "chance" in the industry. The telegram states the independents' "unalterable" opposition to such clause.

In addition to affirming the position of the Allied States association's directors, as expressed in their letter of Aug. 20, to Hon. T. W. Arnold, further and more studied consideration of the part of the Northwest Allied members has resulted in a firm and unalterable stand in opposition to the sale of pictures in groups of five, the telegram to Jackson declares.

If this clause adopted, it will result only in chaos to the industry, multiply and increase blockbooking, increase film rentals, prevent elimination of undesirable pictures and work extreme hardships and penalties on the small independent exhibitors scattered throughout the Northwest at great distances from Minneapolis distributors' headquarters.

Junket From Both Coasts For 'Westerner' Premiere

Preem of Samuel Goldwyn's "The Westerner" at two theatres in Ft. Worth next Thursday (19) will be attended by a junket of screen names from the Coast and syndicate and newspaper writers from both Hollywood and New York. Newsmen, officially, will be guests of the Variety Club of Dallas, where the picture will unveil the day after Ft. Worth. Coinciding with the Dallas showing will be openings in 300 theatres throughout the state. Ft. Worth was chosen for the debut through the plugging of Amon Carter, publisher of the Star-Tele-

Prospect of early passage by Congress of the Burke-Wadsworth selective military service bill, and the consequent expansion within a year's time of the present U. S. Army training and service personnel to a total in excess of 1,500,000 has focused attention of army officers to the need for enlarged facilities for the exhibition of motion pictures on Government reservations. Currently, also, film distributors are viewing the migration of large numbers of civilians to army camps as a problem calling for increased film rentals to balance losses elsewhere.

Plans for the construction of new and larger film theatres at army posts already are tentatively approved by the Adjutant General's office in the War Department. Many of the older and well established bases have modern, brick theatres, seating 7,500. It is proposed to put up even larger auditoriums. These will be of temporary construction, with view to enhanced seating capacities. Next to sports, films have become the soldier's principal form of amusement and relaxation.

80 Foot Theatres

There are 80 Army Post theatres operating at the present time under supervision of the Adjutant General's office, of films and selection of subjects are handled by the U. S. Army Motion Picture Service, which maintains offices in Washington, New York and territorial army headquarters.

Film rental revenues to American distributors are about \$400,000 annually under present conditions. When the selective service program gets under way and men report in larger numbers it is anticipated that the rentals will be doubled or trebled.

Contention for many years on the part of exhibitors in situations close to army posts is that the lower admissions charged to soldi and workers on the reservations have been keen competition. Spokesman for the Army Service declares, however, that all civilians attending post theatres are required to pay as much, or more admission fee than the prevailing competitive price. Soldiers and members of families living on the reservations have the benefit of ticket "books" which bring down admissions to 14c.

With the loss of more than a million civilian theatregoers and their transfer to army posts there seems to be sound argument that the distributors will be entitled to substantial increases in film rentals, probably through the introduction of percentage bookings for the first time. Prevailing film rentals are from \$10 to \$25, a charge far below the commercial scale.

Operation of the theatres and the handling of all funds are supervised by the Adjutant General's office.

Fort Knox Cinema

Louisville, Sept. 10.

War Department office of Contracting Quartermaster, Fort Knox, Ky., has advertised for bids for new 1,038-seat theatre at Fort Knox. Requirement of the bids is that government wants construction to be under way within 90 days of receipt of notice to proceed for completion of the work.

Fort Knox is located 30 miles from Louisville, and now houses a population numbering several thousand.

gram there. City's slogan, "Out Where the West Begins," has been switched on banners across main streets to "Out Where the Westerner Begins." Even radio stations on the three major chains are cooperating in the exploitation, station breaks on the NBC red net being broadcast. "This is KGKO, Ft. Worth, where the west begins and where 'The Westerner' will have its world premiere with Gary Cooper, Walter Brennan and a host of other stars in person Sept. 19.

Those who will fly in from Hollywood include Goldwyn and his wife, Gary Cooper and wife, Walter Brennan and Doris Davenport, and writers Hatcher Hopper, Sheila Graham, Harriet Parsons, Fred Ottman, Harrison Carroll and Paul Harrison. Worth and Hollywood theatres, where the pic will preem, are upping scales to \$1.20 top for both orch and balcony.

Aces BACK TO BACK!

FOR NEXT WEEK...



A There's No Time
For Anything But Laughs
When You Play
JAMES
STEWART
That guy from Washington

ROSALIND
RUSSELL
That woman from "THE WOMEN"

**NO TIME
FOR COMEDY**

GENEVIEVE TOBIN with
Alllyn Joslyn • CHARLIE RUGGLES
Directed by WILLIAM KEOGHLEY
Screen Play by Felix J. and Paula O. Farrell • From the Stage Play by J. N. SCHUBMAN
Produced by Esther Cornell and the Playwrights' Company
A Warner Bros.-First National Picture



AND THE WEEK AFTER...

A Every City
From N.Y. to L.A. Will Be
A City For Conquest By Them!

**CAGNEY
SHERIDAN
CITY FOR
CONQUEST**



with
FRANK CRAVEN • DONALD CRISP
FRANK McHUGH • ARTHUR KENNEDY
George Tobias • Jerome Cowan
An ANATOLE LITVAK Production
Screen Play by John Westley • From the Novel by Allen Rodde
Music by Max Steiner • A Warner Bros.-First National Picture



You get
the
same hand
week
after
week
from
WARNERS!

JACK L. WARNER, In Charge of Production
HAL B. WALLIS, Executive Producer

Enjoins Ex-Pard From Reentering Theatre Biz; Exchange Briefies

Detroit, Sept. 10. Suit to restrain his former partner from building a new theatre in the vicinity of those he now operates was instituted here by Joseph Stioia, owner of the Midway and Circle. The injunction was granted not only against Joseph Miskinis, the former partner, but also against his wife, their son, Joseph, and a builder, Philip Gorelick.

In his court contention, Stioia charged that his former partner was trying to violate the agreement between them by building a new theatre, the Carmen, under formal register of Miskinis, Jr., and Gorelick, within a half-mile of his Midway.

He told the court that when he and his former partner broke up their association several months ago, Miskinis had agreed in writing not to engage in the theatre business within four miles of the two houses for five years.

Drive-in theatres here are going to buck right up against old man winter. Following a successful season, Alden Smith, Detroit manager for Mid-West, announced that both the East Side and West Side drive-ins would stretch out their season operating through September and October. This in the face of a frigid summer and counting on a mild fall. The chain will open a third theatre here next season among the down-river communities.

New prices went in here on Sept. 1 at 30c for adults.

WB Adds 2 More

Pittsburgh, Sept. 10. WB has just acquired two more houses in this territory, running strong in Pittsburgh zone to better than 70 theatres. One site is State in Wilkensburg, which gives Warners three spots in that borough since chain also controls Rowland and Regal there. State was opened in 1932 by A. A. Welland but for the last two years has been operated by Leon Reichbaum, Charleroi exhibitor. Other acquisition is Melrose that Carlick also taken over from indie interests. WB is currently having petitions signed for a Sunday movie referendum in Wilkensburg, an issue which was defeated by voters there in 1935.

Charles Lynch has resigned his

manager's berth with Notopoulos circuit in Altoona to join Acme Distributing here. Two other Acme additions are Joe Kaliski, former GN exchange manager here but more recently with UA in Buffalo, and Vincent McHugh, film row old-timer, once a Par salesman.

George D. Tyson, Harris Amusement Co. publicity director, returns to his post here Sept. 23 after annual summer leave of absence, which he spends yearly as director of Variety Showmen's Jubilee and 'Miss America' beauty pageant in Atlantic City. Tyson has handled the fete for six years. During his absence, his assistant, Ken Hoel, has been looking after Harris advertising.

Briefies: William L. Brown, former Tarentum exhibitor, has been appointed to GOP executive committee of Allegheny Co. Max Cranfield, at the Veterans Hospital for an operation. Metro Pep Club's wedding gift to Sylvia Zeisel was a mixer-master and to Thelma Schauer a floor lamp. Samuel S. Hanauer, new 540-seater in Beaver Falls will be completed early in November. Variety Club's weekly Family Nights will be resumed Friday (13).

Par Northwest Changes

Minneapolis, Sept. 10. Paramounts northwest circuit, Minnesota Amus, making number of managerial changes. Bill Keating, resigned as manager of the Loring, local nabe house, with Fred Weimar brought in from the Orpheum, Sioux Falls, S. D., to replace him. Ernie Odeneal, Paramount, Mitchell, S. D., succeeded by L. Joe Ryan from Eastman, St. Cloud, Minn.

Woodrow Praught, Empress, Rochester, Minn., takes Ryan's place at the Eastman, St. Cloud, Minn. Praught's place isn't filled yet. L. O. Kirkberg, State, Mankato, Minn., goes to the Lyric, Watertown. D. Louis Feldo transferred from Watertown to Paramount Grand Forks, N. D., replacing Floyd Munting, who goes to State, Mankato.

Pantheon Decision Due

Toledo, Sept. 10. Decision on request for receivership for the Pantheon Theatre Co., operators of the Pantheon in downtown Toledo, is expected on Wednesday (11). At an earlier hearing on the receivership a motion of the Eif-

fel Realty Co., owners of the real estate occupied by the theatre, Lucas County Common Pleas Judge John M. McCabe urged opposing counsel to try to agree on an equitable settlement out of court.

The realty firm, through counsel, said there was upward of \$25,000 due in back rent and interest under the 99-year lease, which was signed in 1922. It was pointed out that under terms of the lease, the rent in 1941 increases from \$15,000 to \$18,000 a year. Counsel said the realty firm claimed the Pantheon operators had not tried to arrive at an agreement with the land owners, but this was denied by the theatre company. The hearing brought out that since 1932 the Pantheon Theatre Co. has paid about \$305,000 under the lease, an amount said to be as much as the property is worth. (The lease still has 61 years to run.) Pantheon has about \$25,000 of its own equipment in the theatre. Receivership is sought only for the leasehold.

U Sales Promotions

Bill Scully, general sales head of Universal, made several promotions within the managerial ranks of the company's branches. B. B. Kreiser, U's branch manager at Washington, is being dropped out of the post of special sales rep out of the home office.

Max Cohen, assistant manager under D. A. Levy at the New York exchange, replaces Kreiser in Washington.

Paul Baron, Charlotte branch manager for the past two years, transferred to branch manager at Boston, replacing former branch manager A. J. Herman, resigned.

J. A. Pritchard, Memphis branch manager, takes over the post vacated by Paul Baron at Charlotte.

Philly's Kusky Arty

Philadelphia, Sept. 10. Charlie Stearman's Cinema re-opened yesterday (Mon.) with a Russian picture.

Barney Cohen, manager of Wissahickon, underwent his second blood transfusion at St. Sinai Hospital in as many weeks. The blood donor was Buck Krieger, driver for Horlacher Delivery Service.

Edda Grostein, cashier for Republic exchange, seriously ill. DuPont interests are reported readying to build a new house in Wilmington.

The new Sauconia, Helertown, Pa., opens Thurs. (12). Phil Smith, drive-in circuit, announced a new outdoor theatre to be opened in Roosevelt boulevard area next spring.

Danz Sells Fortlander

Portland, Ore., Sept. 10. The Orpheum, formerly operated by John Danz of Seattle, sold to Evergreen. Albert Finkle is g.m. for Evergreen in this district.

Pa. Censor Head

Continued from page 5

down the amplified powers pointing out it would require too big a staff. This encouraged the local state representatives to hope there would be some relaxing on the iron rulings of the police. Commissioner Frank D. Eaman was approached last week for permission to exhibit 'Strange Cargo' and 'Primrose Path.'

The former picture had some scenes deleted and other trimming which he had requested earlier, but still was not enough to satisfy him. He indicated, however, that were more scissor work done there was a chance that it could get by. However, the studio branch is brooding over emasculating the picture entirely.

On 'Primrose Path' he turned thumbs down entirely, saying that 'it was hopeless.' No further action is contemplated here on this one. An interesting sidelight is that the official police censor has been boosted to a high ranking. Formerly a sergeant, Charles W. Snyder was raised to the rank of lieutenant last week by Commissioner Eaman. Snyder had made the original rulings on the pair of pictures which were upheld by his superior.

Ohio Indies Condemn Pix in Bars. Columbus, Sept. 10.

Meeting in executive session last week, the ITO of Ohio unanimously condemned use of uncensored 16 mm. film in night clubs and bars. Secretary P. J. Wood was instructed to advise E. N. McWhirter, state superintendent, of the action, of the resolution, requesting that a stricter check on film not carrying the Ohio-approved leader be made.

It was recommended that Roy Reichelderfer, chief censor of Ohio, hire at least two additional inspectors for investigation purposes—a definite necessity, said the ITOO as result of an independent survey of the situation.

Ohio Independent Theatre Owners annual convention is set for Oct. 30-31. Confab; representing some 400-odd theatres throughout state, will again be held at the Neil House.

French Show Biz Reviving

Continued from page 3

interest at a nearby theatre, 'Juliette' is at the Oeuvre. Plans are being made to reopen the Theatre de Paris, Michodiere and Palais Royale.

Plays Planned

Louis Jouvet, who had planned to go to the United States, is back in Paris and preparing to put on 'Ecole des Femmes' (School for Women) at his old hangout, the Athenae. Another revival in view is Jean Giraudoux' 'Cetait Prevu' (It Was Foreseen), which won the prize for the best French novel in 1939. Marcel Herlaud, leader of the young group, Rideau de Paris, is getting ready to unshutter the Theatre Michol.

On August 22 the Opera Comique was dusted off, the front door opened and paying guests came in to see Bizet's 'Carmen'. Two days later the Opera unshuttered with Gounod's 'Damnation de Faust'. Relatively, elegant crowds attended both openings, with a sprinkling of high German officers present. As much of Paris' artistic and social element present in the city were also there.

The Comedie Francaise, France's headquarters for classical legit, is scheduled to open early in September with 'Le Gid', while the Odeon, the other subventioned (government backed) theatre, to unshutter about Sept. 15. Jacques Copeau, who operates all four of these theatres as well as the Theatre de Chailiot, has written a comedy which he plans to put on in another of the city's theatres.

Other signs of the upbeat are the reopening of the Conservatoire, which prepares actors and singers for France's national theatres; the first symphonic concert since the war by the Pedeloup orchestra, under the baton of Philippe Gaubert, on Aug. 18; sidewalk paint exhibitions and roaring biz by the quai book stalls, with German soldiers rated as the best customers.

Still other indications that things are not so gloomy in the decided improvement in biz by cafes. In the St. Germain de Pres quarter, Lipps and Deux Magots have put tables and chairs back on the terrace. In the latter hangout, Germans are not served. Flore's, the former hangout of American newspapermen, is still shuttered.

Latin Quarter Reviving

The Latin Quarter shows signs of revival with the reopening of the Sorbonne. There are more than 1,000 students already taking courses and the cafes in the quarter have the old hum of activity although the sale of aperitifs has taken it on the chin, since the vast majority of the students are under 20, and aperitifs cannot be served to minors.

Filmeries are doing quite well. The French are bringing out many of their old pictures, although none of the new ones completed before and during the war, or any of the first runs of the last months before the armistice, have made their appearance. The Germans have taken over one of the de luxe newsreels on the Champs Elysees to show an UFA newsreel of the Nazi military victory.

Germans are finding champagne their favorite drink in the occupied zones. None can be charged with excess imbibing, yet the temptation must be great since Germans in Paris can pick up the sparkling wines from the Champagne region for just over a mark—20 francs (about 40c). In Rheims, the home of champagne, the price is even less. According to those who should know, the cost of French champagne for German soldiers is approximately one-sixth that of the inferior sparkling wines served in Germany.

Vichy, the capital of the unoccupied zones, has a night life of its own although the blackout cramps some of the style. Cinemas stay open until 11 p.m., yet cafes and bars remain open much later. Jean Ducreux is going to reopen the Rideau Gris in Marseilles with the collaboration of Georges Rollin. The Siritzky has reopened the Gaumont in Toulouse with 'Typhoon'.

Marseilles Liveliest

Marseilles is perhaps the liveliest of unoccupied cities. Many road companies are active. Pierre Brasseur and Odette Joyeux, screen and stage players, are giving Marcel Achard's 'Domino' on the road. Also in town are Raymond Souplex, Jean Marsac and Jean Sourza in a typical French revue. They are heading for Marseilles where they will be joined by Alibert, another well-known revue star.

The Compagnie des Jongleurs (Jugglers and Acrobats), very ac-

tive during the war entertaining troops, is now planning a comeback. Directed by Maurice Leroy, it has given more than 1,500 performances since 1933 when it was formed. It is even seeking new talent.

Life at the resorts has been tamed down by the numerous restrictions. Women are more clad than they have been in years and one-piece suits are banned. Men are expected to hide their hairy chests under 'tops'. Along the Riviera, pleasure craft of every kind are forbidden by the French authorities. Along the western and northern coasts, bathers are not permitted to swim out more than 100 yards, sailboats and other craft more than 500 yards. German authorities have intervened at French citizens for violating this order.

Holdovers

Continued from page 3

by 'P & P' was a surprise even to the Metro sales force. The film, having been put to the audience test, is being exploited elsewhere with greater enthusiasm and with better results.

On the experience of these two recent releases, Metro is planning extended first runs and upped admissions for 'Bittersweet' starring Jeanette MacDonald and Nelson Eddy, 'Escape', which marks Norma Shearer's return after a long absence with Robert Taylor and Nazi-movie in support, and 'Strike Up the Band', new musical starring Mickey Rooney and Judy Garland.

With the return of Maurice Silverstone to New York this week the sales campaign for 'The Great Dictator', new Charles Chaplin comedy, will be set. In spots where 'Foreign Correspondent' has not yet been dated, UA sales force is jacking up percentage terms under the encouragement of the highly successful first-run engagements of the Hitchcock-Wanger production in New York, Montreal and half a dozen other cities. Samuel Goldwyn's 'The Westerner', starring Gary Cooper, also is bidding for extra playing time and will get its start in first runs soon after the premiere of the film in Ft. Worth.

'Sea Hawk' (WB) is another top grosser of the moment and where it is playing at comparable prices against 'Boom Town' it is running neck and neck in the receipts column.

Paramount

Paramount will have completed plans for the distribution of Cecil B. DeMille's 'North, West, Mounted Police' at a meeting of the sales department heads in Kansas City this week. Preem has been set for the Chicago theatre, B&K flagship, in mid-October.

Other standout films on the booking sheets for early general showing are 20th's 'The Bright Young', 'Hudson Bay' starring Paul Muni, and RKO's 'Kitty Foyle', starring Ginger Rogers, a film version of Christopher Morley's best-selling sex-novel.

Opposition to the demand by first runs for longer clearances when admission prices are raised for specific engagements is being countered with proposals that subsequent runs also lift boxoffice prices proportionately in order to retain existing clearances. This is being tried out in one of the major key cities where a national distributor has control over numerous neighborhood houses.

If the new season's trend for extended Broadway engagements of features at the Music Hall, Capitol, Strand and Paramount continues through the autumn months, it will be necessary to release many pictures without Broadway showings in order to keep the neighborhood houses supplied with adequate number of pictures.

MacDonald's 8th

Columbus, Sept. 10.

Construction starts immediately on new Beechwood, C. A. MacDonald nabe near northern outskirts of city, to have 1,000 seats on one floor, completed by Dec. 15. Beechwood will be eighth house in MacDonald circuit, six already in operation, the seventh on the Boulevard, now under construction.

Jackson-Murphy Theatres acquired the indie nabe, Indianapolis from Lee Hofheimer, who will continue as manager. John Knight, of the Royal, has taken over Lou Holleb's New Theatre.

New York Theatres

THERE'S A BETTER SHOW AT THE

THE RKO THEATRE

GONE WITH THE WIND
G.W.T.W. will not be shown except at advanced prices, at least until 10 for Reservations Call 4-6442
Air-Conditioned
ASTOR
ALL SEATS RESERVED
Twice Daily 2:15, 8:15 p. m.

Held Over 2nd wk.
New York in
Boom Town
Clark Gable & Spencer Tracy
Claudette Colbert & Hedy Lamarr
"BOOM TOWN"
A Metro-Goldwyn-Mayer Picture
In Person Dr. I. Q. Bv. Mon. Nite

State
LARRY CLINTON
"ANDY HARDY MEETS DEBUTANTE"
In Person
Ed Sullivan
Harriet Mann
Dance Wingers
Starts Thurs., Sept. 12
"SOUTH OF PAGO PAGO"
In Person
Al Donahue
& His Orchestra
Enni Bice
Mary Byge-Naldi

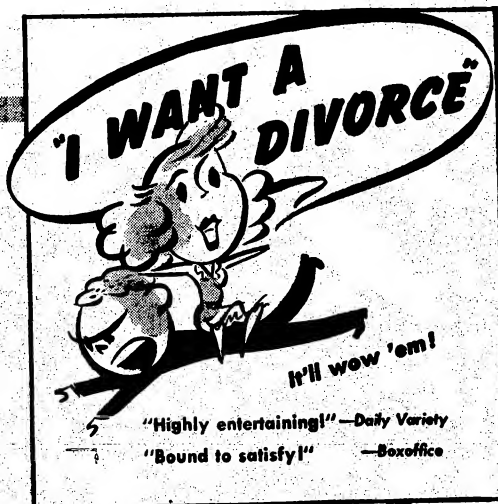
PARAMOUNT
HELD OVER 3RD WEEK
Bing
CROSBY
"Hollywood on the River"
A Paramount Picture
Mildred Screenplays

SECOND WEEK!
JAMES ROSALIND
STEWART RUSSELL
In
No Time for Comedy
A NEW WARNER BROS. HIT
In
LARRY CLINTON & His
Person
OPENS Broadway
9 A.M. **STRAND** & 47th St.

RADIO MUSIC HALL
CITY
HELD OVER
"LUCKY PARTNERS"
Spectacular Stage Productions

Alfred Hitchcock's Production of
HELD OVER 3RD WEEK
"Foreign Correspondent"
UNITED RIVOLI Broadway
OPENS 9:30 A.M. MIDNITE SHOWS

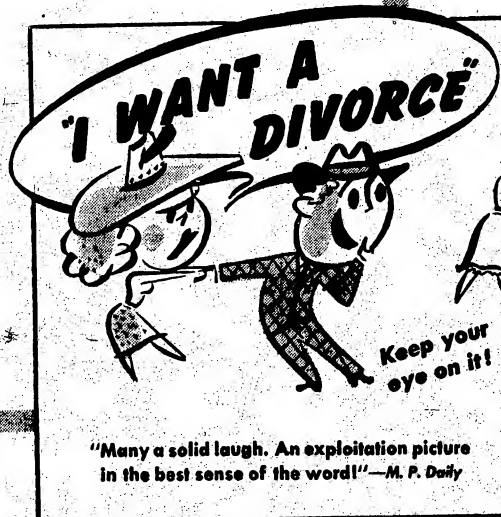
The Sleuthing Begins
Hollywood, Sept. 10.
"John Brown's Body", first of the "Ellery Queen" series to be made by Larry Darmour for Columbia release, goes into work Sept. 16, Kurt Neumann directing.
Ralph Bellamy and Margaret Lindsay play the top roles.



"The familiar trade-mark, 'If It's a Paramount Picture, It's the Best Show in Town', can swing right jauntily over any theatre playing 'I Want A Divorce'. Something to satisfy every type of entertainment appetite. Top performances by Dick Powell, Joan Blondell and a fine supporting cast. Coming on the heels of 'Rhythm on the River', this gives Paramount two smash attractions to start off its 1940-41 release year. It appears that Paramount again is going to be a company to be looked to for better entertainment!"

—Hollywood Reporter

Joan Blondell and Dick Powell in "I WANT A DIVORCE"
with Gloria Dickson • Frank Fay • Jessie Ralph • Conrad Nagel
Screen Play by Frank Butler • Based on a Story by Adela Rogers St. Johns • Directed by RALPH MURPHY



Col. McCormick Realigns Chi WGN's Mgt.; Qum Ryan Back to Announcing

Chicago, Sept. 10. Qum Ryan, veteran manager of WGN, the Chicago Tribune station, has been relieved of his duties and will continue on the station only as announcer on his own commercial programs, of which he has three at present. Ryan's departure follows a general reshuffling of WGN activities since a personal interest has been taken in the station by Col. R. R. McCormick, editor and publisher of the Tribune.

Frank Schreiber, publicity and special events chief of the station, will be upped to a new post known as station co-ordinator. This is not station manager, but will aim to supervise all general mechanical activities of the station. It will not include supervision of the commercial department, which is headed by William McGuinness, as sales manager; it excludes the program department, which is headed by William A. Bacher as production overseer, and it does not include the WGN Talent Division, headed by Noel Gerson. It is indicated that a general station manager will be brought in some time in the future, with Col. McCormick having feelers out for some of the biggest men in the radio biz to come in as station supervisor.

As the setup is now, the real chief of the station is Col. McCormick himself, and the various department heads report to him, to his assistant, W. E. MacFarlane, who holds three posts as general manager of the Chicago Tribune, vice-president and general manager of WGN and president of Mutual.

Ryan has been with WGN for more than 15 years. He has been station manager of WGN since 1931, though he served as manager during 1929, but resigned from this job because he found it too restraining.

It is figured he will resign completely from WGN at the termination of his three commercial announcing jobs.

Twin City Outlets Will Self-Police The NAB Code

Minneapolis, Sept. 9. The seven Twin City radio stations will do their own policing under the N.A.B. code. Instead of one turning in another for alleged infractions, they'll attempt to shoulder the task of enforcement themselves.

At a meeting called by Earl H. Gammons, 11th district chairman of N.A.B., a code committee was appointed to pass on all N.A.B. matters as they affect Twin City stations. In so doing, he says, the local committee will work with the national code committee.

Kenneth Hance, of KSTP, was appointed chairman of the Twin City group. The other members will be Wallace Stone, of WGDY, and E. P. Shurick, of WLOL.

Other matters discussed at the meeting were the handling of defense and political broadcasts and the clearance of non-ASCAP music after Jan. 1.

AL SHAYNE BANKRUPT; OWES OVER \$14,000

Al Shayne, radio singer employed by Sally's Studios, has filed a voluntary petition of bankruptcy in N. Y. federal court, listing \$500 in assets and \$14,239 in liabilities. During the past two years Shayne has earned \$900 yearly.

Among creditors are Lester Santly, music publisher, \$2,500 for monies loaned; Arthur Bockar, \$7,000 on a judgment; William Morris Agency, \$75 for commissions; and Alice Carroll at the Hotel Navarro, \$1,500 on a loan.

Shayne recently opened a radio and voice school.

Frank McLatchy, KSL, Salt Lake City, account executive, is recovering from an emergency appendix operation.

NBC Introses Mullen

NBC yesterday afternoon (Tuesday) tossed a cocktail party atop the RCA building for the newsmen and others connected with the trade to meet Frank Mullen, new v.p. and general manager.

Network's press department was the official host.

WBAL BOOSTED TO 50,000 W.

WBAL, Baltimore, yesterday (Tuesday) was granted a construction permit for 50,000 watts on 1080 k.c., unlimited time. Station is now reaching 10,000 watts.

Under the current setup WBAL is non-synchronized during the day on 1080 k. but at 9 p.m. it becomes synchronized with WJZ, N. Y., on 760 k.c.

5 GABBERS TO NARRATE FOR 'ST. L. CAVALCADE'

St. Louis, Sept. 10.

Bart Slattery, of WIL; William Durbin, of WEW; Bruce Barrington, Harry Renfro and Rose Claire, of KXOK, have been selected by Lou Wolfson, William Morris Agency producer, to explain the pantomimic action that will occur in 'The St. Louis Cavalcade', to be presented in the Auditorium Sept. 16-29. The combo of historical-dramatic-wild west rodeo will require the services of several hundred performers and rehearsals started last week. A line of 24 from the Municipal Theatre Assn., which closed its season Sept. 1, has been inked for ballet numbers in the spectacle that will run two hours. Wolfson is being assisted by Lem Ward, Lionel Newman, Monroe Hackett and Marc Daniels in producing.

The net proceeds will be turned over to the St. Louis Pension and Charities Assn., Inc., a benevolent organization for the local firemen. Some of the revenue will be used for the under-privileged children in this burg.

Anti-3d-Term Demos Buy Texas Net Time

Fort Worth, Sept. 10.

The Farmers' No-Third-Term Democrats have purchased 48 quarter hours via KGKO and the Lone Star Chain. Series will originate in Dallas and run until Nov. 2, scheduled for 6:30-6:45 a.m. every weekday.

LSC recently carried the nearly two-hour Anti-Third-Term Democratic rally from Dallas at regular political rates.

Letting Europe Know

Philadelphia, Sept. 10.

WCAU's aviation program, 'America Flies', will be aired to Europe Friday (13) via the outlet's short-wave WCAE. This will mark the first time that a program of this type has been aimed toward Europe by this station.

Broadcast consists of a resume of activities of aviation units in this country, with speeches by prominent birdmen.

'Kitchen' Snares Sponsor

St. Louis, Sept. 10.

John Morrell & Co., through the Henri Hurst & McDonald Agency, is bankrolling the 'Jane Porter Magic Kitchen' program over KMOX six times weekly. Seven-year-old program will be fed to CBS key stations in the Middle West. The mobile food laboratory has been streamlined and will be sent out to retail grocery stores in the St. Louis metropolitan area, where femme customers will be interviewed.



EDWARD S. ROBINSON

Assistant Manager, WTRY, Troy, New York, who helped lay ground work prior to station's opening last April. Another product of the Syracuse Workshop; graduated to announcing at WSYR, and on to salesman and merchandising manager in the Wilder organization. His varied experience has served him well in establishing Troy's first radio outlet.

14 COS. RUSH FM RECEIVERS

With commercial FM broadcasting due to start Jan. 1, there are already 14 companies producing FM receivers, or plan to have them on the market this fall. Most of the sets will be combination AM-FM, with several companies also announcing 'adaptors' for converting AM receivers for FM reception.

Combination sets will sell for around \$75-\$100, 'adaptors' for about \$50, and a few special custom-built receivers will be as high as \$600. Companies which will manufacture them include Ansley, Emerson, Farnsworth, Freed-Eiseman, General Electric, Hallcrafters, Hammarlund, National, Philharmonic, Pilot, Scott, Stewart-Warner, Stromberg-Carlson, and Zenith.

WESTINGHOUSE MOVING WPIT FROM PITT TO HUB

Pittsburgh, Sept. 10.

Westinghouse is moving its short-wave station, WPIT, from Pittsburgh to Boston shortly as one of steps being undertaken by company to improve transmission of short-wave programs to Latin America. Engineering tests have shown conclusively that salt water site starting point is far more effective than an inland location. Lee B. Wailes, manager of Westinghouse stations, announced that move would take place early this fall.

WPIT's history dates from Station 8XK, original amateur short-wave station which Dr. Frank Conrad, assistant chief engineer of Westinghouse, began operating experimentally in spring of 1921.

Half-n-Half Eyes

Jimmy Dorsey Orch

Jimmy Dorsey is under consideration for half-hour program by Half-n-Half (American Tobacco Co.). Young & Rubicam is the agency on the account.

Premieres

(From Wed. to Following Thurs.)

Fri., Sept. 13

Nehi Corp. (Royal Crown Cola), WABC-CBS, 10:30-10:35 p.m. 'Believe It or Not', with Robert L. Taylor, Linda Lee, B. A. Roife's orchestra, guests, Production, Douglas F. Storer office, B.B.D. & O. Originates from N. Y. Hookup, 89 stations.

Sun., Sept. 15

Modern Food Process: Co. (Thrivo), WJZ-NBC, 5:15-5:30 p.m. 'Olivio Santoro', Clements Co., Inc. Originates from N. Y. Announcer, Don Lowe. Hookup, 11 stations.

Mon., Sept. 16

Procter & Gamble (Teel), WABC-CBS, 8-8:30 p.m. 'Those We Love', with Nan Grey, Richard Cromwell, Donald Woods, Oscar O'Shea, H. W. Kastor & Sons. Producer, Gordon T. Hughes. Script writer, Agnes Ridgeway. Originates from Hollywood. Hookup, 70 stations.

NBC Sees CBS' Coverage Survey As More on the Statistical Side

Mutual Board Huddle

Operating board of the Mutual Broadcasting System will hold one of its periodic huddles next Wednesday and Thursday (18-19) in Chicago.

All the network's nabobs will attend.

L. & T'S SPOT DAIRY PLUGS

Chicago, Sept. 10.

Radio will be used in a new \$250,000 ad campaign prepared by Lord & Thomas agency here for the American Dairy Association. Spot plugs will be used in Philadelphia, Boston, Detroit, Des Moines, Chicago, St. Louis, St. Paul, Minneapolis, Milwaukee, Seattle, Great Falls and Bismarck, as a part of initial test.

Starting early next month, the campaign will stress butter and cheese in eastern food markets. In general, the dairy product campaign will be similar to the cooperative ad and merchandising campaign that L. & T. spread for Sunkist oranges.

KATE SMITH MAY DO PIC INSERTS FROM L. A.

Hollywood, Sept. 10.

Tieup with 20th-Fox on dramatic inserts of that studio's pictures may cause Kate Smith and her troupe to take up temporary residence here. Darryl Zanuck, 20th production chief, is said to have convinced the singer and her business manager, Ted Collins, that it would be more economical to do the several broadcasts from here rather than ship the stars east at intervals.

Collins is having friends here checking up on homesites, although the whole thing is still up in the air.

COPS COP NEWS

Walk On With WDAS, Philly, Bulletin; Traffic Obstruction

Philadelphia, Sept. 10.

War-is-hell department: Since the outbreak of the blitz on the Low Countries, WDAS has featured a bulletin board in front of the station with the latest news flashes. Friday (6) a squad of cops carted the board, away as a traffic nuisance.

The next day the Director of Public Safety sent a note to Pat Stanton, program director of the station. It read:

'Very sorry to inconvenience you by removal of your bulletin board. You can have it back when the war is over.'

Fielding With WFIL

Philadelphia, Sept. 10.

Fred Fielding, former account exec with N. W. Ayer & Sons ad agency, has joined the sales staff of WFIL.

He also was connected with the Adrian Bauer ad agency and the Ross Federal Research Corp.

Renew Bill Stern

Chicago, Sept. 10.

Colgate-Palmolive-Peet for Colgate & Marquette agency, through the Sherman & Marquette agency, has renewed the Bill Stern sports commentary sessions on the NBC-Blue web out of New York.

Will be effective as of Oct. 6 and run 8:45-9 p.m. each Sunday CST.

Boake Carter has recorded eight one-minute announcements for the American Chicle Co. as part of the series which the account is testing over KYW and WCAU, Philadelphia. Graham McNamee and Bill Stern have also recorded for the series, with all jobs being handled by the NBC recording division.

There's much speculation at NBC over what tack CBS will take in the coverage which it is preparing currently for release to the trade. It is doubted whether the promotion will talk about actual network preference, but, rather, it is believed, will elect to expatiate on statistical technique, stressing the exactness of CBS' measurement in determining what stations were listened to regularly.

CBS' survey is expected to show a more highly controlled response in the technical sense, since it made use of a much larger number of responses. CBS got a 50% response, while NBC based its findings on a return of from 10% to 15% of the queries sent out to listeners.

Ban On Foreign Lingo Boofing WEBR, Buffalo

Buffalo, Sept. 10.

When WEBR, three months ago, banned foreign language programs after President Roosevelt's 'national unity' plea, it was thought to cut off the air every bit of foreign lingo including vocals on phonograph platters. But the going hasn't been that easy.

Flock of sponsors, unable to have shows announced in native tongue, dropped off. Some felt situation would be eased if platter vocals were allowed on. Station relented that much and daily Italian and Polish hours now contain canned voices giving out in operatic and pop wax.

'As a result we're not pleasing anybody too much,' a WEBR official said. 'But, fundamentally we're away from the thing we were afraid of—foreign language announcements.'

Emelino Rico and Joseph Domrowski now announce Italian and Polish hours, respectively, in English, albeit a bit broken at times. English announcer stands by and, in some cases, does the commercials. Situation isn't soothing to foreign-extracted listeners, who tune in to hear native tongue.

'Station has lost some of its oldest and biggest accounts through the ban. Situation favors WBNY and Niagara Falls' (N. Y.) WHLD, both of which retain Polish-announced shows.

'SOCIETY GIRL' LOOKS LIKE A CBS FADEOUT

'Society Girl' daily serial over CBS for Corp. Product, may go off the air with the completion of its year's contract next month. Roger White office, producer of 'Girl', is looking for another account to take over the show.

Alan Dinehart, legit and film actor, joined the cast of the show this week.

Nat'l Biscuit Names L.&T. Agcy. on Bread

Lord & Thomas has been named by the National Biscuit Co. as the new agency for the bread phase of its advertising account.

Switch from McCann-Erickson will take place on or before Jan. 1.

Broekman Maestros Crew Of 65 in New Show Idea

Hollywood, Sept. 10.

Half-hour program featuring David Broekman at the head of an orchestra of 65 picked men was auditioned Sunday (8) at NBC by the William Morris agency. Music will be confined to special orchestrations suited to a new style in music long nurtured by Broekman.

Edward Arnold acted as m.c. and Wayne Griffin produced. Lee Sweetland handled the vocals.

GE'S PARTIAL RADIO RECOUP

Slightly Indistinct

Cincinnati, Sept. 10. Local broadcasters, on reading the following piece of publicity sent out by WCKY and printed by some weekly papers in Ohio, wondered just who was the sponsor of the program in question, L. B. Wilson or Lux.

The air waves' outstanding dramatic hour, 'Radio Theatre,' will return for another season of blue-ribbon presentations Sept. 9, according to word received by L. B. Wilson, president and general manager of WCKY, from Columbia Broadcasting System officials. The 50,000-watt L. B. Wilson station will again carry the series exclusively in the Cincinnati area. Mr. Wilson was also advised that Cecil B. DeMille, noted film producer and producer-director of 'Radio Theatre,' has signed a new contract with the sponsors, Lever Bros. Co.

LaGUARDIA ON PAID TIME FOR F.D.R.

Democratic National Committee has ordered 112 stations on the NBC-red network tomorrow night (Thursday) for Fiorello LaGuardia, New York city mayor, to come out in favor of the re-election of President Roosevelt. Talk will be titled, 'My Choice for President.'

It will be a quarter-hour talk, 7:15-7:30, for the east, and a repeat at 11:15 N. Y. time for the area under central, mountain and Pacific standard time.

President Roosevelt yesterday (Tuesday) decided to make his speech before the Teenagers Union convention at Constitutional Hall, Washington, tonight (Wednesday) an out-and-out political one and with that the Democratic National Committee ordered hookups on CBS and the NBC-blue for a half hour, starting 10 p.m. Move served to relieve the networks from the embarrassing potshots Republicans have been taking on the theme that the President was getting a lot of free time under the guise of non-political talks, while the Republicans had to pay for everything their candidate, Wendell Willkie, got.

Thibault, Melton, Pearce To Play Leads on WGN's 'Chi Theatre' Operettas

Chicago, Sept. 10. Conrad Thibault has been set through the WGN Talent Division for the role of Francois Villon in 'Vagabond King' on Oct. 5 as the first of the series of operettas on the 'Chicago Theatre of the Air.'

Not inked, but practically set, are James Melton for 'Madame Butterfly,' and Jan Pearce for 'Naughty Marietta,' the two following productions.

Marion Claire will be the prima donna in the entire series, which will be conducted by musical chief, Henry Weber, under the supervision of Bill Bacher, general production manager of the station.

Series will be available to the entire Mutual system.

FCC NIXES NETS' PLEA FOR TIME EXTENSION

Federal Communications Commission has turned down the plea of NBC and CBS, as well as the Independent Radio Network Affiliates, for an extension of the time limit to December for the filing of briefs on the report of the FCC committee to investigate network broadcasting. The briefs will now have to be in by Oct. 25.

Originally the FCC had set Sept. 15 as the deadline. IRNA had last month engaged Paul M. Segal, Washington lawyer, to represent it in connection with the monopoly investigation.

'Pot's' Time Switch Set; Ditto T. Dorsey's Net

Chicago, Sept. 10. Lewis-Howe drug firm will shift the Horace Heidt 'Pot o' Gold' show for Tuesdays at 7 p.m. over the NBC-blue as of Oct. 3 over a network of 95 stations. Tommy Dorsey show for N-R Tablets will ride on 86 NBC-Blue outlets at 7:30-8 p.m. CST, starting on Oct. 17.

Stack-Goble agency here handled both contracts.

Stanco Mulls Switch From Spot to Net

Stanco may switch from spot to network this fall. It's thinking about buying a five-minute news strip on the NBC-blue and running a daytime serial on the NBC-red link. The newspaper would come at 11 a.m. Latter would plug Nujol, while the dramatic piece would be used in behalf of Mistol and Daggett & Ramsdell face cream, and Flit in the summer time.

Stanco for the past two seasons has been underwriting the serials, 'Meet Miss Julia' and 'Career of Alice Blair' on a transcription basis. Account of the agency, McCann-Erickson, hasn't gone into details with the networks as yet on the twin propositions. The question of Nujol copy would be a major point of discussion.

Martha Scott, currently in New York for the preem of The Howards of Virginia, will remain about 10 days to make transcriptions of the serial, 'Career of Alice Blair.' Then she goes back to the Coast to make 'Cheers for Miss Bishop,' Sol Lesser film.

McCann-Erickson, agency the 'Alice Blair' series, is trying to find a new lead to replace Miss Scott when she returns to the Coast.

Rate Card Committee Holds Another Session

Group of time-buyers which the radio committee of the American Association of Advertising Agencies appointed to develop recommendations for standardized rate cards, order blanks, etc., held another one of its sessions Friday (8). The ratecard form, when completed will be submitted for adoption by stations through the National Association of Broadcasters. The group working on the recommendations represents from 85% to 90% of spot time expenditures.

Members of the group are Jack Latham, Benton & Bowles; Linnea Nelson, J. Walter Thompson; John Hynes, Lord & Thomas; Charles Ayers, Rutshoff & Ryan; Ned Midgley, B.B.D. & O.; Bill Maillefort, Compton, and Carlos Franco, Young & Rubicam.

WIBM to Forjoe

WIBM, Jackson, Mich., has named Forjoe & Co. as its national sales reps.

Outlet is on the NBC-blue and Michigan Network.

TAKES BACK WGY JAN. 1

Status of KOA, Denver, and KGO, Frisco, Remains as Is Under NBC Direction—Kolin Hager Slated for Network Post

SOLVES FCC PROBLEM

General Electric resumes the programming of WGY, Schenectady 50,000-watt, Jan. 1, but, unlike Westinghouse, it will leave its other stations under the wing of NBC. GE's two other outlets now being programmed, well as managed and operated by NBC, are KOA, Denver, and KGO; San Francisco. Schenectady move solves the question raised by the Federal Communications Commission on these NBC-electric company operating alliances. There is no objection from this quarter on the KOA and KGO situations, since NBC itself holds the licenses on them.

When the switch as affects WGY takes place, Kolin Hager, the station's manager, will most likely be brought into NBC's home office as an assistant to William S. Hedges, v.p. in charge of NBC's managed and operated stations. Named as Hager's probable successor in the WGY spot is John Sheehan, program manager of WGOE-WGEA, GE's Schenectady shortwave.

Hager started with WGY when it went on the air in 1922. 'The Voice of WGY' and has been with it ever since, with the exception of a brief period on the payroll of the Buffalo Broadcasting Corp. At present WGY's entire staff is on the NBC payroll, with the exception of the engineers at the transmitter plant in South Schenectady. Latter are GE employees. WGY is on the basic red, and will remain so under GE's direct management.

Westinghouse stations which pass back entirely into the programming hands of the manufacturer Jan. 1 are KDKA, Pittsburgh; WBZ-WBZA, Boston-Springfield, and KYW, Philadelphia. NBC has had the GE and Westinghouse outlets under its wing for over eight years.

Sues NBC, MCA, General Mills for 250G, Alleging Lift of 'Beat the Band'

Wilmington, Del., Sept. 10. Floyd Buckley, radio writer and producer, has a \$250,000 suit on file with the local Federal court against the Music Corp. of America, General Mills and NBC in connection with the program, 'Beat the Band.' Buckley claims that it's a lift of a show he originated and wrote under the title of 'Slump the Leader' with the alternate tag, 'Beat the Band.' He also claims his complaint that the material, idea and basic program was submitted by him to MCA long before the General Mills show went on the air.

The 'Beat the Band' stanza on the NBC-red Sunday nights features Ted Weems' band and plugs Kix.

NBC SALESMEN NOW ALSO HAVE STAND-INS

Salesmen for the NBC blue network now have their own under-studies. Each senior salesman has a young fellow who has been brought in from some other department to do his leg work when it comes to servicing gathering data and other odds and ends.

One does the masterminding and contacting on the account sale, while the other takes care of the routine. Most of these apprentices have been recruited from the traffic department and page boy staffs.

AFRA Threatens General Strike If Nets Balk on Sustaining Terms; May Vote Walkout for Sat. (14)

Makes It Complete

Edgar Kobak, NBC blue's v.p., took the secretaries of all the blue salesmen to lunch yesterday (Tuesday). It's a follow-up of a spread he tossed for the salesmen themselves a couple weeks ago.

Idea for the secretarial gathering was to outline to them the important part they play in keeping their bosses straight on routine, and how they, as the receivers of calls from advertisers and agencies, can personally contribute lots to efficiency and kindly relations all around. Kobak also expatiated on NBC blue sales policies.

Unless either side unexpectedly makes some move toward compromise, the American Federation of Radio Artists will probably call a strike over the weekend against all network sustaining broadcasts. At a 'final' conference Monday (9), representatives of the union and NBC, CBS and Mutual remained completely deadlocked and negotiations were broken off.

AFRA has not indicated when a strike call may be issued or when such an order might be made effective, but rumor was that such call might be made Saturday (14), when many of the more important network sustaining shows are on the air. Special meeting of the union's New York local will be held at 9 o'clock tomorrow night (Thursday) at the Edison hotel, N. Y., at which a membership vote authorizing a strike call will be sought. Meetings of the Chicago, Los Angeles and San Francisco locals are set for the following night, Friday.

Factor in the situation appears to be the belief of network officials that, faced with a showdown on the question, AFRA will not go through with a strike. While the union leaders are pointedly avoiding blustering talk, there is apparently a grim determination to walk out unless the AFRA terms are met. Impartial observers figure that the union is virtually obliged to go through with a strike unless the networks offer broad concessions. It's pointed out (Continued on page 24)

Feen-a-Mint Sets 'Double' Quiz On 80 MBS Outlets

Feen-a-mint has bought the 'Double or Nothing' quiz from WOL, Washington, through the William Morris office and will start it on a Mutual hookup of 80-dial stations with the shift to standard time. Matter of a half-hour period has not been settled. It will be 6 p.m. Sunday, or 9:30 Friday night.

If the show goes into the Sunday spot it will have a start of four hours on a program of similar pattern, 'Take It or Leave It,' supported by Eversharp Pen and Pencil on CBS. WOL has brought suit against Eversharp and the Blow agency, alleging that 'Take It' is a direct lift of 'Double,' which it aired over the Washington outlet for months before 'Take It or Leave It's' debut. WOL also claims a prior right to the title 'Take It or Leave It.'

Feen-a-mint makes Mutual's first laxative account on the current season's list. William Esty is the agency.

QUITS POLITICS

H. R. Gross Back to Radio After Defeat in Iowa Race

Des Moines, Sept. 10. H. R. Gross, former radio newscaster and an unsuccessful candidate for governor on the Republican ticket last June, has bowed out of Iowa politics. Gross received 146,000 votes in the campaign, but was defeated by the incumbent, George Wilson, by nearly 20,000 votes.

In a brief talk over several stations, Gross said he will resume newscasting at WLW, Cincinnati.

Melvyn Levy's Series

Melvyn Levy, legit playwright, has completed a series for radio, his first effort in that medium. Tabbed 'Everyone's America,' they're original dramas on patriotic folk-themes. Dramatist wrote 'Gold Eagle Guy,' which the Group Theatre did several years ago, and is the author of 'All-god of Illinois,' which Labor Stage (International Ladies Garment Workers Union) will produce this fall.

Shuberts Sponsor Morgan

Henry Morgan, WOR, staff announcer, starts his participating three-a-week series this week with one sponsor, Select Theatres (Shuberts). Show others Tuesdays, Thursdays, Saturdays at 6:45 p.m. Another bankroller will go on late this week.

'GONE' FIZZLE WINDS UP IN PARTY

Morse International agency tossed a cocktail party last Wednesday (4) to station reps and available station operators to show its appreciation for the co-operation it got when Vick decided to get back to its original spot campaign for the fall and winter, after the deal for a network version of 'Gone With the Wind' had floundered. Party was held at the Cloud Club in the Chrysler Bldg. Agency recovered about 85% of the contracts it had cancelled.

Coast Time Hitch May Cause Chesterfield To Take Waring Off NBC

Chesterfield considering dropping altogether its Wednesday installment of the Fred Waring program on the NBC-Red because of the continued difficulty of getting a satisfactory release on the West Coast. Chesterfield wants to get out there at 7 p.m. EST, but the Coast Red hookup is pre-empted by Lucky Strike's Kay Kyser program.

KEYES SETS 5TH B.&W. PROGRAM ON NBC-RED

Chicago, Sept. 10. Freeman Keyes, one-man top of the Russel M. Seeds agency, is setting another show, the fifth, for Brown & Williamson Tobacco Co. over NBC. Starting Oct. 4 over 65 NBC-Red stations, Keyes will have a new 30-minute show at 9 p.m. CST, for the Wines king size cigarettes. Other B. & W. shows on NBC are 'Showboat,' 'Retro Valley Folks,' 'Uncle Walter's Doghouse' and 'Plantation Party.'

Some Wash. State Radio Men Resent Settlement of Bitter ASCAP Feud; Clips 50% of Stations' Indebtedness

Seattle, Sept. 10.

Legal phase of the settlement of the controversy between Washington State broadcasters and the American Society of Composers, Authors and Publishers remains up in the air because of the illness of a federal jurist. Judge R. C. Cushman was slated last week to hear a petition declaring the anti-ASCAP statute unconstitutional, but it was found that he won't return to the bench until Sept. 28. The petition was to be offered by Attorney General Smith Troy.

Troy last Thursday (5) met with the Washington broadcasters to outline to them the terms of the ASCAP settlement. In return for signatures on new five-year licensing agreements, ASCAP, it was reported, had agreed to knock off 50% of the stations' present indebtedness to the Society and allow the broadcasters to also deduct expenditures made in the various litigations brought in connection with the anti-ASCAP statute.

Kenneth Davis, original sparkplug of the Washington-ASCAP litigation, who is now living in Los Angeles, appeared before the broadcasters and gave them his version of the settlement. Some of the broadcasters present expressed themselves as opposed to yielding to ASCAP and as chagrined at the turn of events. If and when the decree is handed down by the court and will have been brought to one of the bitterest and costliest fights with which ASCAP has had to contend since its inception.

LAWRENCE SCHWAB HAS RADIO MUSICAL IN WORK

Lawrence Schwab, legit and film producer, is huddling with William McCaffrey, agent, on the details of an original musical comedy series for radio. Schwab would not only produce, but collaborate on the preparation of the script.

Framework of the serial has already been worked out and, as soon as a couple of sample scripts have been completed, an installment will be cast and recorded for auditioning purposes. It's Schwab's idea to use an original song for the series' theme and include one or two original musical numbers in each program, pegged for 30 minutes.

Rinso Supplementing 'Big Town' With Disks

Rinso (Lever Bros.) will again supplement the coverage of the latest version of "Big Town" on CBS with off-the-line transcription on some 25 stations. The disc series will run three weeks behind the CBS installments.

CBS show, starring Edward G. Robinson, returns Oct. 9.

Touring Fairs

Yankton, S. D., Sept. 10. Charley Worcester, farm service director for WNAH, local CBS outlet, is completing a four-week tour of fairs in this area, covering a route of 4,500 miles and using the station's remote truck to record programs to be used on a specially-established "Noon Hour Farm Service" program. He left Aug. 19 and is due back tomorrow (Wednesday).

During the trip he will have visited the state fairs of Minnesota, Iowa, South Dakota, Nebraska and North Dakota's Red River Valley Fair at Fargo. Other fairs he will have attended are those at Spensor, Ia.; Rosebud, S. D.

Second Lt. Robert Young of the Colorado National Guard has returned to duty as announcer at KOA, Denver, after duty with the Louisiana maneuvers. Other staff members in the service include Lloyd E. Yoder, manager; J. A. Slusser, transmitter engineer; Glen Glascock, control engineer, all lieutenants in the naval reserve.

Almost Silent

Atlanta, Sept. 10.

Only untoward incident in connection with airing last week of Congressman Martin Dies' address came when Harry Daugherty, WSBJ's chief engineer, discovered 15 minutes before Dies was to go on air, that he had brought everything necessary except a mike.

Mark Bartlett, station's production chief, saved day with a record dash to studios and back in time to get Dies on air.

GRANGE SWAMIS FOR NAT'L REFINING

Harold 'Red' Grange, former Illinois University and professional football player, will do a series of twice-weekly football broadcasts over 18 Mutual stations in the midwest starting Oct. 4 for National Refining. Series will include predictions on a Friday night show and a summary of scores on Saturday nights. Sherman K. Ellis is the agency.

Stations to carry the stanza are: KFRU, Columbus, Mo.; WGBF, Evansville, Ind.; WHK, Cleveland; WHKC, Columbus, O.; WMT, Cedar Rapids; KGEW, Kearney, Neb.; KFOR, Lincoln; WMPS, Memphis; KGGF, Coffeyville, Kan.; KSAL, Salina, Kan.; WRN, Lawrence-Kansas City, Kan.; KCKN, Kansas City, Kan.; Stations KOIL, Omaha; WSPD, Toledo; KWK, St. Louis; WGN, Chicago; WIRE, Indianapolis; WNAH, Yankton, S. D., will record the Friday program and play it later the same night. All the Saturday shows will be live.

Besides the above stations getting the series commercially, the other Mutual outlets may also get it with the commercial blurbs deleted.

'BOROUGH'S' QUIZ ON WOR FOR NOXEMA

Noxema Chemical starts this Sunday (13) to sponsor a new quiz series, "Battle of the Boroughs," locally over WABC, New York, at 4:30 p.m. Ruthrauff & Ryan is the agency.

Other editions of the show have been heard in Washington, Baltimore, Toronto, Montreal and other cities.

Byron, Farr Acquire 'Can't Take It' for Air

Ed Byron and Finis Farr have obtained the radio rights of "You Can't Take It With You." They are now working on an adaptation for auditioning purposes.

Byron's "What's My Name?" is being dickered for by Feen-a-Mint, but there seems to be much difference over price.

ASCAP Says Its Door Was Never Closed to NAB; 'No Special Invites'

Progress report by the radio committee of the American Society of Composers, Authors and Publishers took up most of the session which the ASCAP board of directors held Thursday (5). It was the regular monthly meeting which had been put off from the previous Thursday. Board also approved the admission of a number of new members and handled routine matters.

It was disclosed that applications for new licensing contracts were being received from independent stations at the rate of about 10 a day.

CHI PRO GRID ON WJJD TO HAVE 4 SPONSORS

Chicago, Sept. 10.

Professional football as played by the Chicago Bears will be carried exclusively and commercially by the Ralph Atlass WJJD outlet this season. Jack Drees, regular sports announcer on the station, will handle the mike airing both the at-home and out-of-town games by direct wire.

Four sponsors will split the billing. These are Walgreen's Dr. West Toothbrush, Gem Razor and Old Gold cigarettes.

WFIL, WIP TUG FOR SPOTLIGHT

Philadelphia, Sept. 10.

The tug-of-war between WFIL and WIP over who's to be Mutual Broadcasting System's chief outlet in Philly continues. Last week Benedict Gimbel, Jr., WIP proxy, came back from New York with a contract to air Mutual's broadcast of the World's Series in his brief case. Last year the series was a WFIL exclusive.

On Friday (6) Roger Clipp, WFIL's general manager, exhibited his plume—an exclusive to broadcast Mutual's piece of the Army-Navy game to be played here at the Municipal Stadium, Nov. 30.

EGNER, DISK DIVISION MGR., NBC'S 15TH V.P.

C. Lloyd Egner, manager of NBC's recording division, was made a vice-president of the network last week. This brings the roster of NBC v.p.'s up to 15.

Egner has been with NBC since it established the recording set-up in 1934. Before that he was manager of record and recording sales for the RCA Manufacturing Co. in Camden.

Fishell to Call 'Em On Pro Giants for Schick

New York Football Giants games this fall will be broadcast exclusively by WHN, New York, for Magazine Depeating Razor, WJZ, plugging the Schick razor. It will be an 11 game schedule of home and away games, with Dick Fishell and Bert Lee (Bert Lebar, Jr.) handling the play-by-play accounts. Starts Sunday (15).

Spielers will go along with the team to handle the games from Washington, Philadelphia and Pittsburgh, as well as those from the Polo Grounds, N. Y. and Ebbetts Field, Brooklyn. Mathis is the agency. WHN had the games of the Giants and Brooklyn last fall, using whichever team was convenient. General Mills sponsored them for Wheaties.

2 Join MBS

Mutual is about to get two more affiliates, bringing its list to 145 stations.

WLAV, Grand Rapids 250-watt, joins the network next Monday (16). WBML, Macon, Ga., will tie in on or about Oct. 1, on completion of construction.

CBS' Color Tele Impressive; New Ideas May Retard It Commercially

Certain, Now

Monterey, Cal., Sept. 10.

KDON received the following request from a couple of its listeners:

"We have been happily married for six months today, and would like very much for you to play, 'They Said It Wouldn't Last.' This is for those people who told us before we were married that it wouldn't last."

"P.S. If it is possible please have the other gentleman repeat this number on the 'Calling All Tunes' program, so that if those people missed it the first time they'll hear it later."

By BEN BODEC

CBS' laboratory demonstration of color television Wednesday (4) produced quite an impression on the invitees, who included newspapermen, engineers, etc. The exhibition was confined to the reproduction of a 16 mm. Kodachrome film with the transmission wholly by from an adjoining room. Columbia's tele transmitter, it was explained, had been taken apart for realignment to the network's new television band, so that the network couldn't demonstrate any live pick-ups or casting of the film bits over the air.

Two receivers were used in the demonstration. They were placed side by side, one showing color and the other the same images in black and white. The detail and definition were sharply in the color version's favor. Another advantage that made itself highly noticeable was that even with room illumination most of this definition was retained by the color frames.

Broad Variety

The experimental motion picture shots used were of a broad variety and sufficed to prove that it and when the televising of colored pictures over the air is perfected this media will pack a powerful wallop in the business of selling merchandise. There is also the possibility that, as these new developments pop up, the date of commercial television's inception will be prolonged. The FCC might, with the announcement of each development, figure that the assignment of commercial licenses can wait until the latest twist has had an opportunity for further perfection. Perhaps all that the FCC now needs to set commercial television on its feet for another year or so is to have someone enter the field with a version of third dimension.

The film used had been taken at 64 frames second and run off at 60 frames a second. One problem that color transmission and reception has yet to solve is automatic monitoring. Dr. Peter C. Goldmark, inventor of CBS' color television, doesn't know whether it will be possible to invent such automatic apparatus. As things now stand, the slightest turning too much of the color fusion dial will produce distortion of color. CBS' present color picture contains 343 lines interlaced, and Dr. Goldmark is now experimenting on pushing that up to 400 lines without stepping out of the six-megacycle band.

Simple Additions

Only two additional items required for color in a television set are a motor and a rotating disc with three filters (red, green and blue). The operations of this disc are so contrived that the red filter, for instance, when it is in front of the electronic tube, will register only those parts of the picture which contain red. The three filters are so balanced as to give the effect of pure white when the picture is white. The disc on the sending and receiving apparatus is so synchronized that at the instant the red filter is in front of the pickup tube a red filter is in front of the receiver tube. The same applies to the red and blue.

Scanning method differs from that used in black and white systems. In that the picture is scanned every 60th of a second instead of every 30th of a second. At the end of the first 60th of a second only two colors have been used and, since the third color requires an additional 1/120th of a second, the total time required for a single picture in full color is 1/40th of a second.

3d Brewery on KXOK

St. Louis, Sept. 10.

The number of local brewery sponsored programs over KXOK, was swelled to three last week when the Columbia Brewing Co., through the Olan Agency, bought a quarter-hour noon newscast spot. The Hyde Park Breweries, through Ruthrauff & Ryan, is bankrolling home games of the Browns and Cardinals, with KXOK originating the play-by-play for a six-station and two 15-min. sports commentaries daily.

The Griesedieck Bros. Brewery has been sponsoring a nightly phone request hour over this station for nine months. This contract was recently expanded to include six quarter-hours of pop tunes daily.

Carol Irwin, Young & Rubicam supervisor of daytime radio, went to Lake Placid last week for one of her periodic confabs with Kate Smith and Ted Collins about their daily series for Grape Nuts.

Pitt Store Re-signs School Sportscaster

Pittsburgh, Sept. 10.

Joseph Horne's, of town's leading department stores, has bought Paul Kurtz's "Scholastic Sports" program for second successive season on station WWSW. Program got underway for 1940 Friday night (6) and will be a weekly feature for at least 37 weeks, duration of its run, last year.

Kurtz is scholastic sports editor of Pittsburgh Press, Scripps-Howard daily. Show uses guest every week, generally a high school football star of football, basketball or baseball.

MILLER VS. PAINE ON ASCAP

N.A.B. PRESIDENT AIRS MUSIC VIEWS

By Neville Miller
(President, N.A.B.)

The National Association of Broadcasters is glad to have an opportunity to set forth its view of the present conflict between ASCAP and the broadcasters.

I think it is important that broadcasters, at the outset, dispose of certain misconceptions which exist with respect to their viewpoint. Broadcasters have no quarrel either with writers or with publishers. They have what they feel is a very substantial grievance against ASCAP. An effort has been made to create the impression that broadcasters do not realize the importance of music to their programs and that they do not want to pay for the music they use. If this were true it would be a startling example of shortsightedness on the part of our industry. That no such attitude exists can, I think, be pointed out by the facts themselves.

Broadcasters paid over \$4,000,000 to ASCAP in 1939 out of a total income for the industry, as published in the June 24 issue of *Variety*, and taken from FCC tables, of \$112,000,000. This is 40 times as much of the broadcasters' income. The payments made to ASCAP by any other industry.

Over a year ago, the National Association of Broadcasters, anticipating the end of the present contract with ASCAP, caused a committee to be appointed some time before its annual convention in order to ascertain the basis upon which payment would be made in the future. That committee asked for conferences with duly authorized representatives of ASCAP in order that negotiation might take place. ASCAP refused to negotiate with the committee. Indeed, when ASCAP, the year, promulgated its new proposals it did so without any previous discussion with the industry from which it gets approximately two-thirds of its revenue, and the Broadcasters' Committee was not even invited to the meeting at which the terms were disclosed. It is because of the terms of this proposed contract, and not by reason of any act on the part of the broadcasters, that the music of ASCAP writers and ASCAP publishers will not be available to broadcasters after Dec. 31, 1940.

Quotes *Variety*

The new contract deserves analysis. *Variety* estimated that it would call for the payment by Broadcasters of \$8,750,000 per annum during 1941 (April 3, 1940, page 27, column 3). This estimate, however, was based upon the supposition that certain reductions in rate would be applicable to stations having an income of less than \$250,000. That these reductions were actually limited to stations grossing less than \$150,000 is a factor that must increase the estimate, as is the fact, subsequently disclosed, that ASCAP now intends to collect a percentage of the broadcasters' revenue not only from the sale of time on the air but also from line charges, certain revenue derived from the sale of talent, etc. It may, therefore, be stated with the utmost conservatism that ASCAP is demanding more than \$9,000,000 a year from broadcasters, and is increasing its charges to 80 times as much per dollar of gross income as now is paid by any other industry utilizing ASCAP music.

It is well also to examine at this time the basis upon which ASCAP's charges are levied. I suppose that there is no music writer in the country who would not be aggrieved if the news-gathering agencies combined and said that they would not permit their news to be used on the air unless they were paid a percentage of the broadcasters' revenue from musical programs which did not utilize news. Fair-minded writers and publishers of music will agree that it is equally unreasonable that broadcasters should pay for

Indictment Cure?

Certain broadcasters are banking heavily on the rumored indictment of the American Society of Composers, Authors and Publishers by the U. S. Department of Justice to solve the impasse now existing between most of the radio industry and ASCAP on the new licensing contract.

Way these broadcasters have it figured out, ASCAP will readily agree to a consent decree and, after this has been issued, the Society will then ask Thurman Arnold, the assistant U. S. attorney general, what plan he would suggest for allocating fees in the broadcasting industry.

PAINE BRUSHES OFF KAYE'S INVITE

Offer of Sydney Kaye, BMI v.p. and lawyer, to hold a debate on the ASCAP-radio controversy was described yesterday by John G. Paine, ASCAP general manager, as promising nothing fruitful toward a solution of the question. "Paine said he couldn't see any subject to debate unless it had to do with the superiority of the ASCAP catalog over a publishing house (BMI) which has just gone into business."

"The only question," stated Paine, "between ASCAP and the radio broadcasting industry is the contract which ASCAP has sent to every station and every chain as the basis for licensing after this year. The contract does not involve BMI in any way. Discussions of contracts are not as a rule matters of public debate, but matters of orderly business procedure and negotiations. If Mr. Kaye is authorized to speak for any chains or any stations, we'll be glad to discuss business with him in a business-like way, in line with ASCAP's policy of the open door and its practice of making its music available to all at terms within the means of all."

BMI REPLIES TO CAESAR AND SPA

The following is an open letter sent to Irving Caesar, president of the Songwriters Protective Association, by Sydney M. Kaye, vice-president and general counsel of Broadcast Music, Inc., in reply to an open letter from Caesar on Aug. 28:

If SPA is serious in saying that they wish to negotiate with respect to our contract, we can only reiterate that we are perfectly willing to negotiate, provided that the basis of that negotiation is thoroughly understood. One basis is that BMI must be enabled to operate just effectively in the field of licensing performing rights, as ASCAP and that there should be no discrimination against it. The second basis on which such negotiation should be predicated is that we must both recognize that the fairest way to compensate composers for the use of their music on radio broadcasting stations is in precise proportion to the use of their works by broadcasters. We must repeat that we cannot recognize the claim that you have put forward that one composer is entitled to a different scale of compensation from another. If the works of Irving Caesar have a greater appeal to the public than the works of another songwriter, that will be determined by the number of times that they are performed and, therefore, the public and not any arbitrary group will make the choice. It is on this basis, as I explained before, that SPA and BMI broke off attempts to arrive at any understanding. If you are willing to recognize what seems to me this incontrovertible basis, there is no reason why your organization and ours should not try to at a mutual understanding.

Challenge to Debate

You have repeated in the closing part of your letter your (Continued on page 26)

'Battle Page'

In view of the diverse opinions involved in the Broadcasters vs. ASCAP situation, this issue marks the inauguration of a permanent 'battle page' wherein both sides can air their views.

Both sides of the fence, in this open forum, may help clarify the matter during the next few months, which augur the inception of an intensive period of masterminding, maneuvering, bickering and negotiations.

Broadcasters—agencies, advertisers, station owners—and the music men—ASCAP, the individual writers, and publishers—will be given reasonable space and opportunity to air their views.

BMI POINTS UP AMP'S 25% DISCOUNT

Broadcast Music, Inc., is notifying its members that Associated Music Publishers, Inc., will make its performing rights available to them at a 25% discount. It's the first move of this sort by BMI in its campaign to surround broadcasters with a musical repertoire that will be available to them in the event no new licensing deal has been made with the American Society of Composers, Authors and Publishers by Jan. 1.

The AMP's is strictly a classical repertoire. BMI, by the discount device, assumes no obligation on its own. It merely tells its members of the bargain rate open to them. The AMP has a standard rate, namely an amount equal per month to the price asked by the station for an evening quarter hour. Contracts are for a year with automatic renewals.

ASCAP two weeks ago disclosed that there was a special deal in the works between BMI and AMP. At the time, it also passed comment on the circumstance that most of AMP's catalog contracts were with German and Austrian publishers and the economic implications involved.

ASCAP'S GENERAL MANAGER'S SLANT

By John G. Paine
(General Manager, ASCAP)

The American Society of Composers, Authors and Publishers (ASCAP) has three functions, namely:

First, to make available to the public through a simple licensing means, the music it wants from American and foreign creators.

Second, to protect the composers and authors of the music of yesterday; to defend those who are writing the music of today; to encourage those who will write the music of tomorrow; and to act as negotiator of the Public Performance Right for them and their publishers with big business, such as the radio industry.

Third, to provide its licensees with a complete and well-rounded musical library and a constant supply of new works.

As far as the public is concerned, there is an insatiable and never-ending demand for music, and our members do everything possible to fill that demand.

To accomplish this end, we must encourage songwriters to write and publishers to publish. The best encouragement that can be offered is protection of their rights and adequate remuneration for their efforts. As Deems Taylor has aptly said, "Fame pays no bills."

ASCAP and its publishers are the only ones who regularly secure, anything to the songwriters. Radio doesn't. It would be interesting to see side by side the contracts by which ASCAP publishers obtain rights from authors and by which Radio obtains rights from authors. In olden days, composers enjoyed royal subsidies and patronage. This is no longer possible. Most civilized countries, however, now have their Performing Rights Societies, and 20 of these societies—with a total membership of over 41,000—are affiliated with ASCAP for protection against exploitation by persons using their creations for private profit.

The need for this protection arises from the unwillingness of commercial users of music to pay for this material. Before ASCAP was formed, songwriters suffered while Big Business used their music for profit without paying a cent for it. When ASCAP tried to collect, users tried to bankrupt it by dragging it through the courts and the legislatures at needless legal expense. And now that it has been upheld, they resort to other forms of harassment in endeavor to compel it to let them write their own ticket.

What It's All About

That's what the present controversy is about. Under the license which expires Dec. 31, 1940, ASCAP was supposed to get 8% of the net sponsors' payments to radio stations. But the chains ran things so that we received only 2.42% and nothing from the chains as such. Now we want the chains to take out music licenses and pay their share. At the same time, we are drastically reducing the amount to be paid by the individual stations. Evidently the chains don't want to stand their share, and so they threaten to boycott us.

In acting as negotiator for the songwriters and publishers, we provide a central source through which our music is available to all at terms within the means of all. For example, beginning Jan. 1, 30% of all radio stations will only have to pay us \$1 per month, an sustaining fee, for all our music—past, present and future.

Where they have sponsored programs, we get 3% of the net receipts, but we gamble on that. We only get it if the stations get it. If radio can sell more advertising as a result of better music, we feel that the creators and publishers of this music are entitled to a proper share.

Now, in the matter of serving our (Continued on page 26)

D. C. Mulls an All-Inclusive Probe Of Entire Radio-Music Situation

Washington, Sept. 10. Federal authorities figure the entire radio-music situation must be thoroughly probed, although so far only preliminary inquiries have been initiated. Before the end, every angle—producers, performers and consumers' interests and activities—is due for detailed checking.

Trade reports that the Justice Department is looking into the operations of American Federation of Musicians along with American Society of Composers, Authors and Publishers have been borne out by off-the-record statements and quizzing of broadcasters and other music-users. But so far there is nothing definitely indicating the Feds' plan to put James C. Petrillo and associates on the receiving end of indictments. Whether ASCAP will be target for criminal prosecution also remains uncertain.

Mass of complaints and counter-charges submitted to the Justice Department has convinced some prominent officials that Government authorities no longer can sidestep the problem of fumigating both Tin Pan Alley and the music requirements of the radio business. Attitude of one responsible Federal executive was that it is unfair to everybody to measure only one side of the triangle—meaning ASCAP.

In 'Study Stage'

At the moment, the inquiry is in the 'study stage.' Despite shortage

of manpower, assistant attorney general Thurman Arnold's anti-trust staffers are digging into data obtained via questionnaires, subpoenas, conferences and interviews to determine just how far to go. They have not decided yet whether to employ a civil or criminal technique but are collecting info on which a decision will be based.

Revival of the Equity suit against ASCAP seems inevitable. The rulings of the higher courts in the famous Madison Oil cases, it is felt by Government attorneys, knocked out the basis of the ASCAP defense. If what the petroleum industry did was illegal, then the method of pooling music and licensing users is equally repugnant under the Sherman act. With this conviction as a starter, the prosecutors now are weighing the related phases. They have conferred with both labor and radio industry leaders.

They are ogling Broadcast Music, Inc., and the webs.

They are checking on bewhiskered rumors of some understanding between AFM and ASCAP, dusting off the trade whispers that E. Claude Mills several years ago enlisted the performers in attempting to compel broadcasters to accept the ASCAP terms; and the position of the National Ass'n. of Performing Artists also is being surveyed.

In some quarters there is a disposition to doubt whether anything be-

sides the ASCAP suit will come of the current interest at the D. of J.

It's a Campaign Year

This is a campaign year, it is noted, and the Federal government is unlikely to do any cracking down on the broadcasters or labor; at least until the election.

And the outcome of the campaign may have profound effect on the individuals feeling the music situation requires court-aiding. Furthermore, it is felt there is some ASCAP propaganda behind the goings that BMI and the webs may find themselves the object of embarrassing inquiries.

Some of the skepticism is based on the change of policy on part of the musicians. Instead of putting on the screws AFM has lain low recent months, industry figures remarked. Relations between the Independent Radio Network Affiliates and AFM have been more less satisfactory, and continuance for another year of the pacts expiring this month is expected to ease tension. Recent fare-up is not considered serious, since veteran broadcasting industry people remark that if AFM intended to start a tug-of-war the union heads would have pulled their men out in many more spots and with almost no notice. There is a lot of finger-pointing on both sides which has intrigued the D. of J. Such as Gene Buck's letter charging a conspiracy of users in answer to the (Continued on page 26)

BROADCASTERS TO HUDDLE WITH FCC THURS. (12) TO SIMPLIFY APPLICATIONS

Some Look at It as Sign That Era of Commish Toughness Is Over—Lawyers, However, Skeptical of Change in Attitude

Washington, Sept. 10. First huddle over broadcasters' objections to all embracing new application forms of the FCC, step toward simplifying the questions that have provoked widespread resentment, takes place Thursday (12). Committees representing the industry and the regulators will review the voluminous blanks, with each trying to get over its ideas about the need or lack of reason for much of the info demanded.

Willingness of the commish to lend an ear to industry dissatisfaction is hailed as indicating the era of toughness on the part of the regulators is over, but many lawyers are keeping their fingers crossed, skeptical about readiness of the FCC attorneys to back-track.

No crystallized ideas are ready for presentation by the industry squawkers. While there's general feeling the commish has asked for much valueless data, and is imposing a wholly unjustifiable burden, the broadcasters are not in position to present any alternatives at this week's confab. Purpose of the session, therefore, is to learn the com-

mission's motives in going so deeply into genealogy of applicants.

Both the AM and FM groups have axes to grind. Latter is more upset about the intricate engineering questions, although sharing dislike for all the inquiries about economic qualifications, personal history, and character of blank singers. Mass of detail required by the commish is said to be one reason for the small number of FM requests re-filed since the new policy was determined. Unless the FCC agrees to make it easier and cheaper for prospective FM broadcasters to make their applications, the new art will be greatly set back, spokesmen maintain.

Committee from the NAB, speaking only for the AM operators, is Gene Fulliam, WIRE, chairman; W. C. Alcorn, WBNX; Harold Bachelder, WFER; Harold Lafont, WCOP; Phil Hennessy, NBC; Kenneth Raine, CBS, and Reed Rollo, Mutual. Commish negotiators are Telford Taylor, general counsel; Joseph Rauh, assistant general counsel; Tom Slowie, secretary; William Norflett, chief accountant, and Lieut. E. K. Jett, chief engineer.

Equity Backing AFRA

Actors Equity council yesterday (Tuesday) passed a resolution supporting AFRA in its threatened strike against network sustaining programs.

Legit association ruled that in case a strike is called no members of the organization would be permitted to work on sustaining programs in place of AFRA performers.

SEASONAL BIZ UP 40% AT WREN, K.C.

Kansas City, Sept. 10.

Business for the summer and spring of 1940 at WREN, Kansas, was 40% ahead of biz for the same period of 1939, according to Ernest Pontius, commercial manager. This is partly ascribed to the broadcast of the Kansas City Blues baseball games by Walt Lochman with General Mills and Socony Vacuum as sponsors, but in general to improvement all along the line.

WREN has heretofore concentrated on network (NBC blue) and national spot biz, but this year for the first time is going out after local accounts. Station has a cooperative program under way and is building other features to attract local merchants, while maintaining its regional accounts.

New accounts signed for the fall season include: Faultless Starch for 300 announcements; placed through Ferry-Hanley Agency of Kansas City.

Staley Milling Co., six announcements weekly for two years; placed through Potts-Turnbull.

Knox Co., quarter hour of news six times per week for 26 weeks placed through the Allen Agency of Kansas City.

Pittsburgh Midway Coal Co., quarter hour of news daily except Sunday for 20 weeks; placed through R. J. Potts.

W. VA. NET SCORES BEAT VIA F D.'s AD LIB TALK

Charlestown, W. Va., Sept. 10. West Virginia network registered a beat Tuesday (3) when it got President Roosevelt to broadcast extemporaneously while here to inspect the \$22,000,000 Naval Ordnance plant at nearby South Charleston. Shortly before the President prepared to board his special train for Washington, Harold Miller, W. Va., network news editor, passed him a mike. The President spoke for several minutes.

It had been the understanding of the correspondents traveling with the President that he wouldn't make any speeches during the visit. Air talk also came as a surprise to the Secret Service retinue on guard around the railroad station. Miller also induced Mrs. Eleanor Roosevelt to come in for a short interview after the President's broadcast.

Sunoco Drops Healey After Six Years

Schenectady, Sept. 10. Colonel Jim Healey, news commentator-philosopher for Sun Oil Co., on a three-weekly quarter hour sked over WGY since 1934, will terminate his association with that sponsor Sept. 20. This is due to fact NBC red is taking over 7:30-8 p.m. spot nightly. Sunoco will pay Healey until his contract ends Oct. 31.

Healey may launch a Sunday noon (12:30-45) news-of-the-week feature on WGY for Peter Paul (candy) as soon as he finishes stint with Sun Oil. New Sun Oil setup calls for Lowell Thomas' newscasts to be piped from blue band to WGY on Tuesday and Thursday at 6:45 p.m.

AFRA Threatens Strike

Continued from page 21

that if AFRA were to allow its bluff to be called there would be little chance of the networks or agencies taking any future union ultimatums seriously.

Wage Differences

Points at issue are numerous and complex, but in general they boil down to differences over minimums for various classifications of programs. AFRA seeks to raise the sustaining scale to a point somewhere near that of the commercial code, estimating that its proposed rates would involve a total increase of about \$100,000 for all networks annually. Broadcasting officials insist that the AFRA demands would run far higher than that.

According to an exhaustive table mailed by AFRA to its members this week, the main difference between the union's proposals and the networks' offer is in the matter of pay for rehearsals. Basic rate for 15-minute, 30-minute and 60-minute scales for actors and singers for national, Chicago and Pacific coast regional shows would be reduced under both the union and the broadcaster proposals. But where several hours of free rehearsal are now allowed by AFRA, rates of \$2 to \$4 an hour for rehearsal would be set, the exact amounts and the number of hours at different rates varying widely in the two schedules.

In case a strike is actually called by AFRA, considerable uncertainty exists as to just what classifications of performers and programs would be involved. Actors, singers and announcers on all regular sustaining shows would be included at the outset. Position of commentators is vague, however. Present sustaining code doesn't cover commentators, but most of the name men are members of the union through their commercial contracts, which are covered by the commercial code. Whether the name commentators would be called out and whether they would obey is a question.

Such men as Kallenborn, Swing, Major Elliot, Albert Warner and sports commentators like Ted Husling, Mel Allen, Clem McCarthy, Bill Stern and the like have both commercial and sustaining spots. Or, in the case of Swing, deliver commercial broadcasts that are carried by some network stations on a sustaining basis. Vocalists with dance

bands must be AFRA members and be called there they would be called out.

AFRA Uneasy

Although AFRA leaders express complete confidence in the support of their membership in any strike action, there is some doubt in neutral quarters as to the reaction of the local meetings on the strike proposal. AFRA has not indicated whether the press will be admitted to the meetings. Since the union is usually eager to have such sessions fully reported if the membership sentiment is solidly in support, it is assumed that there may be some uneasiness on the matter even among the executives themselves.

But even if a minority at the meetings should fight the strike proposal, impartial observers believe the majority of the members would vote to support a walkout. Strike action was almost unanimously voted when the sustaining code was being negotiated two years ago and was even more solidly backed when the commercial code was being thrashed out. Although AFRA has never had a strike, it is regarded as one of the most unified memberships of all performer unions.

The network negotiating committee, headed by Mark Woods, NBC vice-president; Lawrence Lowman, CBS v.-p., and Julius Seebach, of Mutual, is now apparently sitting back to watch the results of AFRA's local membership meetings. Representatives of the advertising agencies, who will have to negotiate with AFRA when the commercial code expires next February, have been sitting in as observers.

Network spokesmen claim that AFRA's bid for higher scales for the sustaining shows is unreasonable on the ground that the unsponsored programs are merely a public service, not only bringing in no revenue but actually involving a dead loss. However, AFRA argues that actors must give the same amount of time and effort for sustaining as for commercial shows, therefore the pay should be about the same.

Harry W. Flannery, news analyst at KMOX, St. Louis, has begun a new series of five-min. broadcasts for the St. Louis Independent Packing Co., the business being placed by the Gardner Agency.

KLZ
Night Coverage
INCREASED
33%

• A five-fold increase in power on 560 kc. with directive antenna has pushed KLZ's primary (guaranteed) night coverage north and south to serve a 33% greater population (broken line above). Field tests show a 24% increase in primary (guaranteed) day coverage (solid line).

This intensified power has made regular listening to KLZ available to 176,400 more persons at night, an additional 182,389 persons days.

KLZ's present combination of power and programs makes this station more than ever your most competent ally in getting into the homes of the Denver-Rocky Mountain region.

KLZ • DENVER'S CBS STATION

Affiliated in Management with THE OKLAHOMA PUBLISHING COMPANY
and WKY, OKLAHOMA CITY—Represented KATE AGENCY, INC.

QUICK! GET IN ON

"TOUCHDOWN TIPS"

Here's an outstanding recorded football program for the Fall season!

Conducted by Sam Hayes, one of the country's ace sports commentators, "Touchdown Tips" is a 15-minute program that will select winners, forecast scores, and bring listeners interesting football highlights throughout the coming season.

As a network feature, this program is already sold in 7 western states. It is now available at low cost as a 13-week NBC recorded program for the rest of the country. First program will predict football results for Sept. 21st week-end.

Act quickly! Program is subject to prior sale and availability. Wire nearest NBC Radio-Recording Division office for details.



NBC Radio-Recording Division

NATIONAL BROADCASTING COMPANY

A Radio Corporation of America Service

RCA Bldg., Radio City, New York • Merchandise Mart, Chicago • Sunset and Vine, Hollywood

AUTO COIN POPS UP AGAIN

Autos, Dept. Stores and Politics Now Major Detroit Categories

Detroit, Sept. 10.

Even if they are taking in war orders on a large scale for a sideline, the automobile companies have started to use spot announcements plentifully. A heavy schedule of such advertising, tied up with the new models starting to come off the production lines, is shaping up. During the week both Hudson and Buick started their fanfare on new cars, with both Chevrolet and Plymouth coming up next week with local announcements. Indications are there will be plenty of this business with the usual network reservations for Ford and Chrysler, and others using the big hook-ups, but diverting added appropriations for the introduction of the new models in local salesrooms. Activity in the munitions field evident. (Continued on page 32)

Des Moines Remains As Is; Rise Certain

Des Moines, Sept. 10.

Both network and national spot units rose around two and a half percent in the past week, but local business fell off over eight percent. This drop is in no wise alarming, being due to stoppage of State Fair schedules which previously had made the local category unduly high. Fall biz continues to move toward a new record.

Sept. 7 Compared to Aug. 31

Network	Local	National	Spot Units	Total
6,755	2,891	3,581	13,227	
6,596	3,151	3,492	13,239	
+2.4%	-8.2%	+2.6%	-0.1%	

(Included: KRNT, KSO, WHO)

Lever Testing 1-Minute Dramatics for Swan Soap

Lever Bros. last week auditioned a series of one-minute dramatized musical announcements for a new product, Swan floating soap. They'll be waxed and used for spot campaigns.

Ben Larsen produced, Young & Rubicam is the agency.

SAN ANTONIO OFF 6.4% AS SCHEDULES CHANGE

San Antonio, Sept. 10. With schedules being cleared for new fall biz, with the baseball season coming to a close, and with several special broadcasts on Labor Day, units in all departments took a downward curve. Marked the lowest point here all summer.

KONO: Mission City Pontiac Co., announcements concerning the new torpedo fleet; Alamo Bottling Co., announcements in behalf of the beverage, Hippo Size.

KMAC: Two full hours sponsored by the Aztec Furniture Co. (finals in their two amateur hours). Renewals were received for the continuation of these programs which are broadcast a half-hour each Sunday.

WOAI: Mahdeen Mystery Playhouse, over the Texas Quality Network for 30 minutes, through Grant agency for 52 weeks; Duncan Coffee (Continued on page 32)

MFRS. EXPANDING SPOT SCHEDULES

Nearly All Companies, Except Ford, Doing More Time Buying—Largely Chain Breaks, Announcements and Participation Stuff—May Attract Local Distributors

CHI THE HUB

Although network revenues from automobiles has dwindled from around \$7,000,000 to \$3,000,000 within the past couple of years, the motor manufacturers are still dallying a little with the ether medium. Last week almost every city included in VARIETY's market reports bobbed up with a hunk of spot biz from one of the major car makers.

On the whole this revenue will not be in the spectacular class, but it seems to be spread pretty evenly throughout the U. S. The manufacturers largely buying chain-breaks, announcements and participation stuff, but indications are that this campaigning will attract local distributors into the fold. The only motor maker who let go a really healthy schedule was Ford, which allotted KMBC the Big Six football games in Kansas City.

Dodge and Plymouth (of the Chrysler group) are working on an expanding schedule, while spots for Chrysler itself are being dished out. Buick and Chevrolet (of the General (Continued on page 32)

KGO, Frisco, Sells News Sked; KSAN Wooing Femmes Only

Premier Waxes Three New Commerch Series

St. Louis, Sept. 10.

Premier radio production agency has just completed two series of recorded spot announcements and a new transcribed series for national release. Latter is tabbed 'Postcard Auction.'

Commercial spots are for New Jefferson hotel here, through Anfenger advertising agency, and Curlee clothes. 'Postcard' has been waxed for Briggs Hoffmann Features.

KMBC GETS FOOTBALL VIA FORD; K. C. FINE

Kansas City, Sept. 10.

Fall stride is in evidence as all departments show slight gains. Sam Bennett, salesmanager at KMBC, announced the station had signed the Ford Dealers' Association of Kansas City to sponsor the Walt Loehman broadcasts of Big Six football games. Second straight year dealers have gone for this setup. Biz was placed through McCann-Erickson. Sked calls for broadcasts of nine games, including both Demo and regular Turkey days.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	Units	Spot Units	Units
5,735	4,856	6,706	17,297
5,645	4,838	6,506	16,989
+1.6%	+0.4%	+3.1%	+1.8%

(Included: KCKN, KCMO, KITE, KMBC, WDAF, WHB)

San Francisco, Sept. 10. Biggest time sale on KGO this season completed this week with signing of National Funding Corp. of Los Angeles for year of news broadcasts on Blue outlet. Loaner bankrolling 7 a.m. quarter-hour six days weekly as result of test which pulled 1,737 letters in one week.

Most striking development of the week in San Francisco was switch of KSAN, indie 24-hour juicer, to 100% femme appeal. Billing itself 'the women's station,' low-water is gearing its entire output to please the ladies. Modern trend toward specialization makes development entirely logical, opinion of KSAN's new manager, Lou Keplinger, who believes policy is first of its kind in U.S. Point out women do 85% of the buying.

Announcers have been instructed to visualize a femme audience exclusively and use their most dulcet tones. Contending that women don't (Continued on page 32)

Seattle Sans Change; Net Units Fare Best

Seattle, Sept. 10.

Not much change in the business situation here. Deviations were almost too slight to measure with anything except a micrometer. Network units fared best, showing a rise of 1.4%.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	Units	Spot Units	Units
4,125	12,399	1,441	17,965
4,070	12,378	1,443	17,891
+1.4%	+0.2%	-0.1%	+0.4%

(Included: KIRO, KOI, KRSC, KXA)

KMOX
ST. LOUIS
50,000 WATTS
CBS

KMOX consistently carries more national spot quarter-hours than the other two St. Louis network stations combined!



For more information about KMOX, one of the sixteen CBS 50,000 watt stations, inquire of Radio Sales: New York, Chicago, Detroit, Charlotte, N.C., San Francisco, Los Angeles

THE VOICE OF ST. LOUIS

Inside Stuff—Radio

Cooperative Analysis of Broadcasting has released its annual 'comprehensive' report, covering the 1939-1940 Standard Time radio season. Document is the largest and most detailed in the series, with special attention paid to classifying programs by type and analyzing the upturn in listening to news programs. Much attention has also been paid to listening by income levels, and the data on this score is undoubtedly some of the most valuable in the report. As might be suspected, both network daytime and evening schedules are such that they appeal most to the middle income groups. However, the evening stanzas show a leaning toward the monied classes, whereas the daytime stanzas show an inclination to the poorer groups.

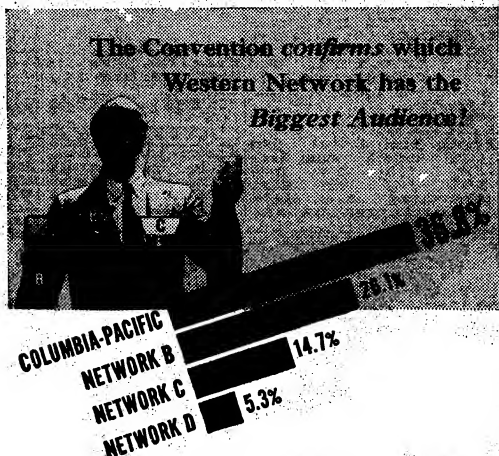
NBC-red's \$3,072,338 time tally for last month represents two records. It's not only the first time that the red has gone over the \$3,000,000 mark in August, but it's more than any network has ever done during that month of the year. Red has been running ahead of Columbia on billings for the past two months, but this situation is expected to end when the latter gets its full complement of fall commercials. NBC figures that this edge will persist so long as it maintains its station option time arrangement, whereas CBS has call on all the time of its affiliates.

Gillette razor's World Series broadcasts, to be heard over Mutual in the U. S. and the CBC in Canada, will be aired in French over Quebec stations. However, the French language speaker, Roland Beaudy, will not attend the games, but will do monitored translation, keeping a moment behind the original English language version. Latter will not be audible to French dialers. Same system was used last year.

With the purpose of smoothing over a ticklish situation, NRC sent Bob Convey, head of KWK, St. Louis, a publicly release for his joint signature, but Convey declined to fall in with the gesture. KWK is slated to be replaced by KXOK as local release for the blue network and the publicity piece was so phrased as to have Convey's outlet withdrawing from the affiliation.

Mutual distributed Gem razors among radio editors Monday (9) as added reminders of Wythe Williams' debut on the network last night (Tuesday) for the American Safety Razor Corp. Thursday is his other night for the account on a hookup of 93 stations.

'Uncle Jim's Question Bee,' which Spay (Lever Bros.) starts on the NBC blue Nov. 12, will be conducted by Bill Slater. Agency on the account is Ruthrauff & Ryan.



Actual listeners overwhelmingly vote for Columbia-Pacific, as all networks broadcast same program*

On June 27, from 7:30 to 3:00 p. m. Pacific Time, you could hear the balloting for presidential candidates on any major Western station.

Listeners, influenced not by programs but solely by habitual listening preferences, tuned to their favorite network stations.

The vote: In San Francisco, Portland, Seattle, and Spokane, 41% more people were listening to Columbia-Pacific than to any other network!

Recount! Include Los Angeles, where one major network station was not releasing the convention, and Columbia-Pacific's total audience lead soars to 146%!

The West's "solid" vote for Columbia-Pacific, confirmed by the convention, is proved by every competent survey. For more people listen to Columbia-Pacific, during more quarter-hours, than to any other network in the West!

And this bigger audience, from your very first program, starts you off to new sales records in the West, just as it has for so many advertisers on...

*Full details on request, of course!

Columbia Pacific Network

A DIVISION OF THE COLUMBIA BROADCASTING SYSTEM

Palace Hotel, San Francisco—Columbia Square, Los Angeles

Represented Nationally by RADIO SALES: New York, Chicago, Detroit, Charlotte, N. C.

BMI-Caesar

Continued from page 23.

challenge to debate. We have not sought to debate this matter but we do not feel that we should ignore your challenge. On the other hand, it is obvious that our controversy is not with songwriters nor with publishers, but with ASCAP. Broadcasters have no quarrel with songwriters. They recognize that music is essential to the well-being of their industry and wish to see songwriters well recompensed. In the same way they have no quarrel with legitimate music publishers. The 'broadcasters' quarrel is with ASCAP, and with ASCAP alone. Therefore, I do not think it at all proper that there should be any debate with you as an officer of SPA or as a writer, and I think that any public discussion which takes place should take place with an officer or director of ASCAP as such. I also think that any such discussion should air the facts before the parties who are directly interested. This includes not only broadcasters who are available at the place of debate, but also ASCAP members and other songwriters. If you are serious in wishing to arrange a place or time for such a debate, I can only say again that I will be glad to hear from you.

'Loose' Contracts

Kaye states that his company's royalty contracts are purposely 'very loosely-drawn' and 'full of ambiguities,' since a norm of measurement for remuneration must yet be worked out. This will be done, says Kaye, on the basis of a disinterested research organization which will calculate the average performances of BMI songs on the air, and thus a probable 10-per-cent will be established mechanical remuneration.

Wash. Probe

Continued from page 23.

industry's classic complaint about 'dictation by ASCAP.' But industry people are certain the Buck allegation will fall of its own weight. It is privately conceded that, regardless of the encouraging progress so far, BMI is not in a position to free the industry entirely from ASCAP's music usage. A bigger catalog, particularly one with a higher proportion of popular tunes, is indispensable before the stations can shake off ASCAP entirely. The best they can do now is use BMI as a lever for obtaining more favorable terms. On the other hand, it is agreed, the webs—providing they join hands with sufficient determination—could make or break any alternative source of music, although they probably cannot knock the props from under ASCAP since films, restaurants, the legitimate stage, and other groups of music users still will play with the present copyright performance collection agency.

Paine On ASCAP

Continued from page 23.

licensees, here are some of the things that we give them:

To begin with, there is the vast repertoire of musical material that our publishers have built up, including a long list of works that will be popular throughout the years to come.

Then there are the constant additions to this repertoire by established composers and authors whose names alone are a guarantee of good material.

In addition, we give them the works of an increasing number of new writers. In 1923 there were only 246 songwriters in ASCAP. Now the Society has 1,109 composers and authors working for its licensees. And new members are being admitted every month.

The radio chains have announced that, starting New Year's Day, the music of Victor Herbert, John Philip Sousa, Irving Berlin, George M. Cohan, Sigmund Romberg, Cole Porter, and many more of the other leading composers and authors of this country and abroad, will be barred from the air.

The chains plan to force the public to listen to music wholly controlled by their subsidiary, BMI. I think the public will have something to say about that.

From the Production Centres

IN NEW YORK CITY

Carol Irwin, Young & Rubicam supervisor of daytime radio, was given a bouquet of carrots, onions, etc., from the boys in the agency for her birthday last Friday (8). Nancy Sheridan, written out of Lorenzo Jones during her rehearsals for the legit play, 'Jupiter Laughs,' is back in the cast. Laurie Woods, singer over WOV, is appearing at Jimmy Dwyer's 'Sawdust Trail' niter.

Bob Trout subbing for Elmer Davis on CBS nightly news reviews... Sam Fuller has replaced Hendrik Boraam as director of 'Elleery Queen'... Fulton Lewis, Jr., vacationing from his WOR-Mutual political news series, is using stand-ins from Democratic and Republican campaign headquarters... The John Gambblings (WOR broadcaster) have applied to care for an English child for the duration of the war—they already have a son.

Gillette World Series baseball broadcasts over Mutual will also go to Canadian Broadcasting Corp... B. S. Bercovici, newscaster and press agent for WINS, has resigned and will make a lecture tour. On his return he expects to have news series for another New York station.

IN HOLLYWOOD

Tom Buchanan flew in to talk over things and stuff about the Texaco setup with Fred Allen, keeping up the conversation all the way to New York... He straitligned... It required two sawbones to snip Paul Rickenbacker's tonsils... Buster Collier also in sick bay with the mumps... Harry Mailzish put KFWB on a 24-hour schedule... Thomas Freebairn-Smith checked off KNX production staff to join Ruthrauff & Ryan as assistant to Producer Crane Wilbur on 'Big Town'... On arriving in New York, Carroll Carroll, Kraft scripter, teletyped Danny Dwyer 'there's a guy here who says he's Carroll Carroll. What shall we do with him?' He's been seen double since birth... Dick Marvin and Bill Moore of the William Esty executive radio staff boated to Catalina to huddle around the 'Blondie' show... Hal Bock back at his home base after planting a few publicity pointers with NBC affiliates along the Coast... Ed Cashman taking time out from the production duties on the Kay Kyser show to handle the 'Hit Parade' cut-ins of Orrin Tucker and Bonnie Baker up north... Edward G. Robinson east to line up name writers to contribute to his 'Big Town' opus... Sportsmen Quartet working the Clase & Sabor show on Sundays, their off-day from pictures... Dou Stauffer passing a week here to see that everything goes well with Lyons & Lyons clients... Nine writers are now performing on typewriters for Edgar Bergen's java turn... Sandy Cummings stalking beasts in the Mexican wilds... Frank Parker closed out his domicile and hiked east... Eddie Stanley back for a fling at the Coast frequencies... Haven MacQuarrie will pass most of his first quarter with 'Marriage Club' for Continental Baking on the road... Jimmy Saphier missing from his old haunts; too busy at home playing the doting father.

IN CHICAGO

Charles Vanda, of Columbia coast production staff, in Chicago for some confabs... In Philadelphia, the prolific issuer strip scripter, to New York for a spell... William Targ, Chi publisher, issuing book of Arch Oboler plays under tag of 'Three Radio Plays'... Executives of Prairie Farmer-WLS-KOY on a hunting trip through Arizona include Burridge Butler, Glenn Snyder, Fred Palmer, Fred Orlmann and Roy Lyness... Jan Dickert, engineer at World Broadcasting System in Chi, and Eddy Howard collabed on new song, 'Now I Lay Me Down to Dream'... Fritz Blocki has completed additional recording of new program idea based on dream-interpretation, with Abe Lyman orchestra topping the show.

IN SAN FRANCISCO

Lincoln Dellar of KSFO left for New York for fortnight's quest for new business... trip sent Dellar on heels of Ralph Brunton, of KJBS-KQW, who also announced New York as his destination, but was skedged to look in on Washington in interest of his yen for the pen... Les Malloy shifted from owl chores on 24-hr. KSAN to daytime newscasts... Counting hourly newscasts released by KSAN, Teleneues theatre studio now generating 100 programs weekly... Ted Lenz added to KSAN staff to handle 'evening news stint'... Bob Reichenbach, CBS sales promotion manager in St. Louis, in for a visit. Formerly held same position here... Hugh Brundage, of KHJ, Los Angeles, in town... Mel Venter has captured coveted spot as announced for Standard Symphony series when it shifts to Don Lee web next month... Weston Oils 'Hawthorne House' undergoing writing and cast changes... Author Ted Maxwell and his wife, Bobby Dean, who plays 'Marietta' in the NBC opus, have pulled out for Chicago... Eddie Firestone, Jr., and Monty Mohn also have left the cast... Forrest Barnes, who handled the Charles Boyer show, has assumed the writing chore and Sam Edwards replaces Firestone.

Luella Jordan, daughter of Judy Dean, NBC vocalist, recovering from serious operation with aid of blood donated by Dick Bertrandias, KPO producer. Virtually entire NBC staff volunteered for blood tests.

Love-bug staged blitzkrieg at KYA... Honey-mooning a F. L. Christman, engineer, and Claire Grady, engaged, Assistant Manager Gorden Mosser and Betsy Bosworth, plus Bill Shea, salesman, and Carolyn Reynolds; just back from honeymoon, Lou Clark, receptionist, and Walter Shea... Bob Goodman added to sales staff of KROW... Ralph Brunton, KJBS-KQW, off to N. Y. and Washington on biz.

Key Power of KPRC production staff, has resigned to make her home in Boston... Doc Howard, KSFO technical director, hoisting His Excellency, Luang Kobid Apharwongse and Lieut. Col. Phra Aran Rojet. They're here from Siam to buy equipment for six new stations....

Lively Showmanship

WINS LARGER AUDIENCES

in the

INTERMOUNTAIN MARKET

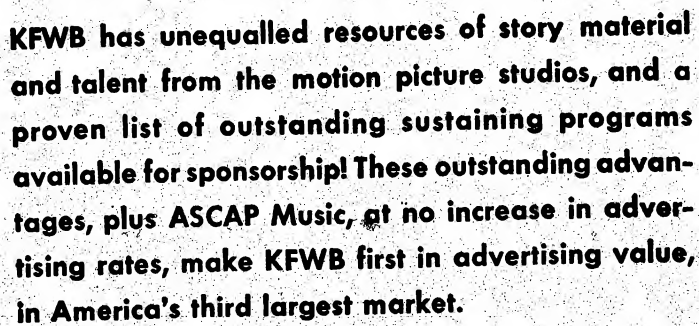
FOR KDWL

The POPULAR Station

Salt Lake City

Representative
JOHN BLAIR & COMPANY

NBC RED NETWORK



LUX RADIO THEATRE
William Powell, Myrna Loy, Don Ameche, Cecil B. DeMille, Louis Silvers
Drama
60 Mins.
LEVER BROS.
Mon., 10 p.m.
WABC-CBS, New York

(J. Walter Thompson)

Lever Bros. bowed back on the air Monday (9) its oldest and still No. 1 package of entertainment, and the event rated another generous hand for those concerned with the series. The usual stamp of showmanship, polish and authority was all over the program, even to the plug which concentrated on acquainting the femme listeners with Lux's latest giveaway, a cameo brooch simulated after the one that Scarlett O'Hara wore in the film version of "Gone With the Wind."

In teeing off for the seventh consecutive season, Lux not only recruited a strong battery of troupers, but picked a story, "Manhattan Melodrama," which gave them plenty of dramatic wingspread. William Powell and Myrna Loy played in the Metro production of the same name some years back, while Don Ameche on this occasion filled the role of Blackie Gallagher, the gambler, which was Clark Gable's in the picture. Highlights of the twin careers of two boyhood friends, one who climbs to the governorship via the district attorney's office and the other whose involvement eventually leads him to the electric chair, were skillfully blended by the radio scriptwriters into a smoothly temped hour of sock drama.

Cecil B. DeMille, as customary, lent his suave and rep-laden personality to the middle plug, as well as to the narrator assignment. The program was heavily studded with smart production touches, such as those tying up major news events with the time indicated in the story, and a special nod for all that is due the director, Sanford Barnett.

Odec.

Ibbett Flag-Waving

Hollywood, Sept. 10.

Series of patriotic dramas has been launched on KFNB by Fred Ibbett, onetime producer of "Hollywood Hotel."

First out last Sunday (8) was Arch Oboler's "Suffer Little Children."

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'GOOD NEWS'
Dick Powell, Mary Martin, Fanny Brice, Hanley Stafford, Meredith Willson
30 Mins.
MAXWELL HOUSE COFFEE
Thurs., 9 p.m.
WEAF-NBC, New York

(Benton & Bowles)

Return of this Hollywood contribution to its regular niche last week (8) was marked by the fine example of smooth, well integrated production suggested throughout the 30 minutes. While there was not much difference in the pattern of the program, it became obvious that the new trend was toward making Fanny Brice's character, Baby Snooks, the hub of the proceedings. And there was lots of her in the opening installment, with practically every bit of it strong in laugh material. The skillful routing of the evening's theme for the Snooks and Daddy verbal encounter was greatly responsible for the corking reaction registered by their big scene. The buildup program. Either Snooks or her foil, Hanley Stafford, or both, made four appearances in the runoff before the climatic exchange between the two took place. The combination added up to an exceptional comedy spasm. Meredith Willson's brand of yodel-humor also took its toll, although the tendency of the vocal department. The duets between Dick Powell and Mary Martin were bright and well sold, and the same applied to the solo occasions. A worthy increment is this in chorus, which was used in this installment to back up Powell for a second refrain.

As the new producer for this series, Mann Holmer took off with high, favorable results. Phil Rapp still batting high as Miss Brice's scriptist.

Don Willson has the copy reading assignment.

Odec.

'TRUE OR FALSE'
With Dr. Harry Hagen
Oec.
30 Mins.

J. B. Williams, CO.

WJZ-NBC Blue, New York

(J. Walter Thompson)

Novel audience participation show, starting its third season after a summer vacation layoff, still measures high. Of the question-answer, and participating programs, this began its new season in polished form.

Sponsors smartly are cashing in on local interest in various communities by staging the broadcasts in a different city each week. This week, for a starter, it emanated from Springfield, Mass. Next week, Philly, then Cleveland, and in three weeks, Minneapolis-St. Paul.

Production pace is quickened by using easy questions at first, then gradually going on to the tougher ones. Also the bulk of the interrogations were in line with the average radio listener's knowledge. Those about motion pictures and Springfield proved cinches for contestants.

Formula is fairly well known. Six females and as many men make up opposing teams. Sides fight along until one or the other is eliminated by giving the wrong answer. Each member of the winning squad gets \$5, while the best answerer is awarded \$25. Williams Shaving Cream goes to all participants.

For this season, city employees of the New England Telephone Co. were pitted against committee members of the Springfield Chamber of Commerce. Latter won by a score of 3-to-0.

Easy style in which Dr. Harry Hagen handles question as well as contestants puts the broadcast above the run-of-mill question-and-answer sessions crowding the airwaves. Blurbs are neatly inserted, minimum of spiel helping smart copy. Wear.

ALEC TEMPLETON TIME
With Pat O'Malley, Ray Noble Orch., Fort Pearson
30 Mins.
ALKA-SELTZER
Friday, 9:30 p.m. CT
WMAQ-NBC, Chicago

(Wade)

Ray Noble orchestra has been added to the Alec Templeton show and, it is a great find for Noble and his outstanding orchestra at present. Just a few weeks old since it opened in the Empire Room of the Palmer House, Chicago, the new Noble band has already secured a national click over WGN-Mutual sustaining pick-ups and indicates a bright future in the music world. It is a full and impressive sounding orchestra and the individual instrumentalists stand out as really fine musicians. The arrangements are topnotch and throughout its work the orchestra reeks of talent ability and musical intelligence.

As such, the orchestra dovetails neatly with Templeton's piano impressions, and as a combination of the two makes a musical period that would appeal to that portion of the audience which prefers skillful musicianship and technical agility.

As a program, it is just too-too English for you know. This may or may not be good at this time. Noble, on his own, doesn't need that emphasis on the Trafalgar Square accent. He has an orchestra which knows no national boundaries and certainly doesn't need that English accent. Noble's band will score anywhere on its own. The same goes for Templeton as a matter of fact, though Templeton continually makes a point of English airiness.

Pat O'Malley has the really tough assignment on this show because of his desperate weekly need for new material for his rhymed monologs.

His limey accent is good for a basis of humor, but the ditty on the initial show indicated a dangerous tendency to insert strictly Americanese expressions into the recitation. These insertions were inimical to the best results, rudely pointing up the Times Square and loop originals of the material. Which hurt the routine and spoiled the desired effect.

Incidentally, both Templeton and O'Malley are alumni of Jack Hytton's radio setup several years ago, also prominent around Chicago.

Fort Pearson is a straightforward announcer who has a bit of difficulty keeping up the too-too air pace, which the three English performers were striving for.

Program is strictly Anglophile at all times, and it is a matter of conjecture as to whether the reaction at present. But as a program on the musical side there is no conjecture. There is no question that it will endow the Saturday night air pace.

Alka-Seltzer to people who never heard the hillbillies on the Barn Dance.

Gold.

'MARRIAGE CLUB'
With Haven MacQuarrie, Nelson Case
30 Mins.
CONTINENTAL BAKING
Saturday, 9 p.m.
WABC-CBS (Benton & Bowles)

Haven MacQuarrie's married-folks audience quiz show, formerly heard sustaining on NBC, switched to CBS, starting Saturday night (7) and replaced "Sky Blazers" as attention-getter for Continental Baking's Wonder Bread. It retains the same formula of couple from the studio audience answering questions submitted by listeners, with those giving the best answer, as judged by studio applause, winning an extra prize of \$25. All contestants get \$10 each and listeners whose questions are used on the show get \$5.

Show is a natural on its broad appeal, audience and studio participation angle, comedy, sentiment and MacQuarrie's distinctive personality and handling. It's also well spotted in the Saturday night niche. Questions are necessarily on matters of opinion, so the competitive phase of the show remains vague and strictly informal, but MacQuarrie raises some provocative points of almost universal appeal. He also keeps the proceedings moving and treats his recruits from the audience with a shrewd blend of banter and seriousness. There's plenty of kidding about marital relations and adjustments, but MacQuarrie is careful to maintain a respectful attitude toward marriage itself. Contestants inevitably take a personal reaction to all general questions, but MacQuarrie knows how to untangle them when they become inarticulate or cut them off when they get wound up.

On the show caught the contestants were skillfully selected for different types.

Nelson Case is announcer, reading the single lengthy commercial.

Hobe.

ADELAIDE HALL
Songs
10 Mins.
BBC, London

Dusky songstress cut herself a large slice of favor when first extending this side, guesting with name bands and in for p.a.s at dance spots around town. Appearance on "Saturday polka" was an air-bow after considerable considerable shoddy.

Voicing on a pleasant lullaby frame, steering clear of swing in which there's much competition. Of three numbers aired, "Can't Live You Any More" best interpreted her smooth vocalistics.

Follow-Up Comment

Oren W. Kay, Jr., newsman just back from France got an excellent grasp of the Nazi occupation of Paris under Allen Joseph's skillful encephalic over WOR, Newark, last Friday (10). Kay was articulate, concise and graphic in every detail, ranging from the military's entry to the populace's reactions. One of the best yet of this sort of word-picture.

"Society Girl," from indications, may be going off the air just when it's getting hot. This Krenli-sponsored show on WABC showed good acting, writing and common sense. Monday afternoon (9) with Charles Manson in the title role, coming through with a corking job. Rest of the cast likewise was okay in a session that was more for laughs than drama, which is perhaps the way it should have been from the very start. It's been a little tough for housewives scrubbing floors, with one ear cocked at the radio receiver, to take seriously a Park avenue deb exercising a heart of gold in the Stork Club.

"Martha Webster," five-a-week daytime tag for Campbell's soup, is the present tag for the former "Life Begins." It's still scripted by Bess Flynn, who also plays the title part. Show naturally follows the serial emoter formula, but no longer bears down on the hose to the previous extent. There's actually a mild gesture towards comedy now, as Martha and hubby Craig Josh each other about getting a divorce after their years and years of happy marriage. Chapter caught (2) had one scene change and was straight-forwardly written. Gretchen Davidson turned a click over from the weeps. Other regulars on the program, several of whom were heard on that stanza, include Ray Collins, Carleton Young, Jimmy Donnelly, Betty Johnson, Toni Gilman and Ralph Dunke.

Hattie Silverman, by her own admission now VARIETY's "alleged" red-head, flitted from Pegeen Fitzgerald's show (3) to Martha Deane's adlib session (6) without apparent loss of voice. She didn't bake a cake for Miss Deane, but she must have burned the N. and Central railroad and won the undying gratitude of whoever might be grateful for plugs of the Thousand Islands. While not quite the farewell broadcast of Martha Deane on WOR, Hattie (nee the Skirt) made it sound as such for the first five minutes. In giving Miss Deane a sendoff, the muggish showed an abundant sense of personality and delivery, even though it was all off the cuff. When she got on the subject of the Thousand Islands it became almost a 10-minute monologue and by the time it was over one could virtually see the fish bouncing on the island-strewn St. Lawrence river. To repeat, she didn't bake a cake, but she did cook up a telling picture for that vacation spot.

Lyman Bryson had four academicians from varied fields as his guests on "People's Platform" Saturday night (7), and the result was a confused theorizing by the quartet on the subject of How Can We Defend Democracy? WABC was the New York outlet for the program. The guests were all delegates last week at the Conference on Science, Philosophy and Religion at Columbia University in New York, and they included Dr. Anton C. Pegis, philosophy prof at Fordham; Robert M. McIver, prof of political science at Columbia; C. P. Haskman, General Electric chemist, and Stewart G. Cole, director of the Service Bureau for Inter-Cultural Education. The quartet's naturally academic viewpoints were uncommonly inconsistent with each other. Bryson retained a sense of audience values by cautioning one of the quartet at one point to confine himself to layman language. All of which tended to emphasize this particular program's too-heavy idea.

Socrates, after these thousands of years since he gave present-day civilization his homey philosophies, has his defense against Meletus' accusations for impety resurrected for the sake of a partial chapter on the "Human Adventure" series Saturday night (7) over CBS. Paced by Clifton Fadiman as narrator, the adventure chapter dealt entirely with the classical Greek era. In addition to the Socrates portion, contrasts were drawn, as dramatized, between ancient Greek court procedures and those of the present.

Also humor past and present. Program, made possible through researchers from the University of Chicago faculty headed by Greek professor Henry Prescott, could easily have been too arty for general consumption, in the light of its classical background, but actually maintained interest, aided by Fadiman's glib narration. A major point was in showing that considerable humor of the present was stolen from the ancient Greeks. A press bulletin cutoff a few minutes before the end robbed the program of some lustre.

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Neville Miller's Views

Continued from page 23

music a percentage of their revenue derived from programs which use music whatsoever, yet this is what ASCAP does, and this action on the part of ASCAP forces music on a program whether he uses it or not, there is a definite deterrent to his using and paying for other music. This is what creates ASCAP's monopoly. This is why the exploitation of music by radio and the revenue therefore have in the past been monopolized by ASCAP's membership of approximately 140 publishers and 1,100 participating writers, together with the unknown number of non-participating members who do not share in the revenue.

ASCAP officials ask why the broadcasters have any legitimate interest in how ASCAP distributes the revenue which it collects; how it regulates its internal affairs; and how it administers its membership. The possession of a substantial monopoly carries with it certain responsibility. Moreover, it seems to us only fair that the man who pays the bill should have the privilege of seeing that the money which he pays goes to the persons whose products he uses. We find that there are many people who do not know, even today, that ASCAP's Board is self-perpetuating; that two-thirds of the Board each year elects or reelects the other one-third of the Board; that the entire control of ASCAP is in the hands of this self-perpetuating Board; and that the members of ASCAP have no voice in the operation of their organization. The results of this system is that the division of ASCAP's revenue is in the hands of people who have a selfish interest in retaining as much as possible of the money.

The results speak, to a certain extent, for themselves. Approximately one-third of ASCAP's revenue (taking 1938 as a characteristic year) goes for the payment of salaries, rent and other overhead, and a 10% payment to foreign societies. Approximately one-third goes to publishers. Approximately one-third goes to writers. Of the one-third that goes to writers, however, 97% goes to a group of 280 writers. If the works of these writers were most used by radio and the other persons who utilize music, it would still be disappointing that so small a group of men got practically all of the money which was paid to ASCAP and distributed.

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NATIONAL REPRESENTATIVES
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By Adelaide Marston

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

WABC-CBS—10:30-10:45 A.M. E.D.S.T.
78 Stations Coast-to-Coast

Direction **BENTON & BOWLES, Inc.**
Management **ED WOLF, RKO BUILDING, New York**

tributed to writers. However, the 280 favored writers are not selected upon any such basis. Among the top ranking writers, it is true, are many writers who would find themselves given first rank under any system of distribution. It is equally true that among this first group there are many writers, probably an equal number, who are not entitled to the top rating on any basis other than seniority, favoritism, and membership in a little inner circle which controls the affairs of ASCAP.

Of the \$6,000,000 which ASCAP collected in 1938, only about \$600,000, or one penny out of every dollar, went to the overwhelming majority of ASCAP's membership who are the people for whom ASCAP constantly professes to speak and to act. ASCAP ascribes the discontent on the part of these writers to the broadcasters instead of ascribing it to its own method of distribution. We are, therefore, in the position of making 40 times as generous a payment to ASCAP as any other music user and yet are accused by the writers of niggardliness, and of a desire to avoid our just obligations.

Moreover, the \$9,000,000 or more which ASCAP is asking Broadcasters to pay is an amount which they could not pay unless they wanted to give their business over to ASCAP. Careful calculation of the effect of the ASCAP terms upon networks, which certainly constitute one important unit of our industry, indicates that network profits would be wiped out entirely or reduced to an amount which would make the continuance of business unprofitable. The result for the industry as a whole is a 100% increase over already burdensome charges. It may be asked how any organization could have the hardihood to propose that its customers pay more for music than the amount of their total profits.

ASCAP has only two answers to this obvious criticism. The first is an outstanding example of muddy thinking. ASCAP includes in the revenue of broadcasters the profits made by power companies and radio set manufacturers. They might just as well include the money received from the sale of saxophones or pianos. It is true that all of these people make money because music is played, but the broadcasters don't get any of it, and it is small consolation to a man who makes \$1,000

and is asked to pay \$1,001, that somebody else is making money which he cannot put his hands on. The second answer is that the broadcasters should raise their rates. The rate structure of broadcasting is carefully calculated, and competition with other media is one of the factors which enters into this calculation.

BMI

The broadcasting industry looks forward to Jan. 1, 1941, without malice and without any desire to eliminate music, but with a steady determination and resolution which must not be misunderstood. Over 85% of the dollar value of our industry is already represented in the membership of Broadcast Music, Inc. This membership includes every class of station, network, independent, large, small, rural and urban. The task of eliminating ASCAP music, as I have said before, is not imposed upon broadcasters by themselves. Obviously they would prefer to continue their business as they have in the past, without any necessity of changing policy. ASCAP music will not be on the air because ASCAP has imposed a charge and a method of charge which broadcasters cannot accept without business destruction.

ASCAP attempts to state that the task of eliminating ASCAP music is an impossible one. The task is difficult, but there are no difficulties which cannot and will not be overcome. It may be interesting for your readers to know that 47% of the time that ASCAP music is on the air is occupied by less than 400 compositions. These are not compositions of great and lasting value. They are merely the numbers which are arbitrarily selected by the music publishers for plugging by radio. There is enough musical talent in the U. S. and in the rest of the world to supply musical numbers of the same average of merit and to make the transition with ease and with dispatch.

Another 37% of the time that ASCAP is on the air is occupied by the performance of some 2,100 compositions. Broadcasters have already proved that they can dispense with perhaps the best part of the ASCAP catalogue. You will recollect that during the first six months of 1936 the air was occupied by less than 400 compositions. Broads. had withdrawn from ASCAP, and their music was not heard by the American radio public. The Warner catalogs at that time included the vast majority of the works of Gershwin, Herbert, Romberg, Friml, Kern, Rodgers and Hart, Arthur Schwartz, Porter, and other writers who were generally consid-

ered to be the cream of ASCAP's writer membership. That music was eliminated without loss to radio or disturbance to its audience. The present task adds no serious difficulty to what was done in 1936.

One other thing should be borne in mind, and that is that in 1936 popular music formed a far more important part of radio broadcasting than it does today. While ASCAP's demands have increased by hundreds of percent, the use of ASCAP music has been steadily decreasing until today only approximately 22% of the time on commercial programs is devoted to music. It will require only a short searching of your readers' minds as to their favorite radio programs to indicate how few programs there are which actually make their major appeal for listener interest on the basis of the performance of popular music.

No one regrets more keenly than the Broadcasters that the present situation has arisen. It is not of the Broadcasters' creation. It results from ASCAP's persistent refusal to meet and negotiate with Broadcasters on an equal level. It results from the perpetuation by ASCAP of an undemocratic organization and monopoly tactics instead of the admission of free competition into the music field. The Broadcasting industry feels that it will be doing a service to the cause of music by drawing the lines of the issue, so created by ASCAP, sharply and definitely. Through BMI the broadcasting industry will commence to compensate the writers of music upon the precise basis of use, and will impose no arbitrary standards, as ASCAP does, for admission to the circle of composers who are entitled to be paid for their work. Broadcasters believe that the job they are doing will ultimately benefit not only themselves and their clients, but also the vast majority of song writers and music publishers.

"Smellies"

Continued from page 2

rian Marsh, and then the press snapped to attention. They pressed her to wait over for the next airline coach to town and took her up to the Kitter Hawk Room for refreshments. Over the years they learned that Miss Marsh in private life is the wife of Al Scott, big-time rancher of Chatsworth, in the San Fernando Valley in California, and her public life now consists of ruling the 500 residents of Chatsworth with a velvet hand as mayor.

"As one mayor to another, I know I ought to call on Mayor LaGuardia, but I'm perfectly certain I won't do it," she said. "I wouldn't dare."

At Essex House for several weeks, to see shows, to see the Fair, to see old friends, Miss Marsh is pretty agast about it all. She has not been in the big city for eight years, except for a quick pass-through in 1934 on her way to a ship for England to do a picture. How does a girl feel about retirement from the movies? Well, it has its advantages, but its drawbacks, too. Would she take a role? "Who wouldn't?" she wanted to know. Even the ranch business has its downs. The Scott ranch raises beef cattle, turkeys and other things, "but mostly gophers," she said.

REPORT VIC DALTON SCRAPPING 'NEWSREEL'

Hollywood, Sept. 10. Vic Dalton, owner of KMTB, Los Angeles, reported abandoning "Radio Newsreel" after four years of operation. Around 50 stations have been taking the service transcriptions. Dalton discharged the entire newsreel staff. Donald Flamm, president of WBNA, New York, was eastern rep for the Dalton enterprise.

Payroll Traffic

Charlotte, N. C.—Stanley McAfee, of WBT staff, resigned to join Naval Reserve.

El Paso—Marjorie Carter is new addition to staff of station KROD here. Will be director of women's programs. Comes from KMBC, Kansas City.

Lincoln—Bill Mesmer has replaced Larry Lansing on KFOR's announcing staff. Margie Thomas, late of KFAB, has joined KORN, Fremont, Neb., with a daily show program.

Salt Lake City—Thomas H. Anderson joined sales staff of KXYL. Formerly manager of Pacific Railways Advertising Co.

Providence—Ed Pearson, special events announcer on WPRO for several years, shifts to WJNO, West Palm Beach, starting Sept. 9. Pearson follows by less than a month Steve Willis, who left WPRO to take up managerial duties at WJNO.

Birmingham—Fred Daiger, WAPI announcer, becomes program director at WSUN, St. Petersburg, Fla.

Washington—Mrs. Helen K. Moberly is leaving WRC-WMAL sales staff to become sales manager of WINX, new local station. John Marshall Dinwiddie has been named WRC-WMAL's merchandising and sales promotion manager.

Columbia, S. C.—Herbert Edison has been moved up as WIS' new chief control operator, with Richard Bolan, from Washington, replacing him at the transmitter.

Denver—James R. McEldowney has moved from the parent WKY, Oklahoma City, to KLZ as salesman.

Kansas City—New announcer at KCKN is Robert Slight. Joined station last week, filling gap left by James Monroe, who went to KCMO on the Missouri side.

Buffalo—Addition to WBNY splicing staff. Art Ingraham, from WLEU, Erie, Pa.

Saskatoon, Sask.—Jack Wells, sports announcer, has returned to the staff of CFQC, Saskatoon, after handling the same job on CJAT, Trail, B. C.

Ted Schroeder has taken over duties as news editor. Jack Holmes has been added to the control room staff.

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Dr. Kennedy New Educ'l Head at KMOX, St. Louis

St. Louis, Sept. 10. Dr. Leo R. Kennedy, dean of education at St. Louis University, has been named chairman of the KMOX Committee on Education for 1940-41. He succeeds Dr. Leo R. Kennedy, who recently was killed in an auto accident in California. The committee was created last year to further the development of the educational and civic features of KMOX.

UBC Folds Oct. 1, All the Backers Of Educ'l Project Withdrawing

Chicago, Sept. 10. University Broadcasting Council will fold Oct. 1. All the backers of the project have withdrawn their support and funds are no longer available.

Allen Miller, who created and built the UBC from an idea to one of the most important factors in educational broadcasting, may become associated with one of the schools to handle its educational broadcasts. It is also understood that two offers have been made by networks to supervise educational programming.

Original sponsors and participants in the UBC were the University of Chicago, Northwestern and DePaul, the former two backing with \$5,000 each, and the last-named contributing \$2,500 annually. Rockefeller Foundation also contributed \$60,000

over a three-year period, allotting \$30,000 the first year, \$20,000 the second and \$10,000 for the third.

Last year, U. of Chicago withdrew from the Council, primarily at the instigation of Dr. Benjamin M. Blood, who believed that the school should handle its own broadcasting. Chicago continued with its Round Table show, which had been handled through the Council, and the "Human Adventure" show over Columbia.

As replacement for Chicago U., the Council picked up the Chicago Art Institute and the Field Museum, neither of which, however, contributed financially.

Northwestern has had Dr. John T. Fredericks, with "Of Men and Books" on Columbia and "Reviewing Stand" on Mutual. DePaul had "Meditation and Melody" on WGN, and "The Changing Scene" on WJLB. In addition there were many one-time shots on all the networks and a flock of local shows on practically every Chicago station.

Parker Wheatley, who was with the Council and who has been specializing on Northwestern programs, will remain with Northwestern as the educational branch supervisor for that school. DePaul as yet has set no plans for continuation of its educational programming.

Akerberg, Herbert Vestner
Andrews, William
Angell, James Rowland
Antrim, Elbert M.

Arney, Charles Elwood, Jr.
Ashby, Aubrey Leonard
Atlass, H. Leslie
Ball, Donald Irving
Barton, Francis C., Jr.

Becker, Isidor S.
Belviso, Thomas Henry
Bennett, Andrew W.
Beville, Hugh Malcolm, Jr.
Bock, Harold John

Bottorff, Orville O.
Bowman, Lester Harold
Boyd, Maurice M.
Brown, Charles Bernard
Bushnell, Ernest Leslie

Butcher, Harry C.
Carlborg, Herbert Anson
Carlin, Phillips
Carlson, Emmons C.
Carpenter, Harry Kenneth
Case, Fox
Chamberlain, Adolph Bernard

Chizzini, Frank Edward
Chotzinoff, Samuel
Churchill, John K.
Clarke, William Arthur
Cohan, Edwin King
Colin, Ralph Frederick
Cormack, Alan Nelson

Coulter, Douglas
Cowham, Hugh Ashlin
Cunningham, Edw. Charles
Cuthbert, Margaret Ross
Dean, Samuel Randolph
Dellett, Frank V.
Drips, William E.
Dunham, Franklin

Dunn, Gano
Egner, C. Lloyd
Engels, George
Fagan, William J.
Farrier, Clarence W.
Fassett, James
Fellows, Harold Everett
Fish, Michael
Fisher, Sterling Wesley

Frigon, Dr. Augustin
Frost, Lewis Scott
Fry, George Thomas Clark
Fry, Kenneth D.
Fuller, The Rev. Canon Wilfrid
Eastland
Gammons, Earl Henderson

Gilman, Don Earl
Gittinger, William Christopher
Godfrey, John Wilfrid
Goldmark, Dr. Peter Carl
Gottlieb, Lester
Graham, Richard Harper
Gray, Gilson B.

Greene, F. Melville
Greene, John Morton
Gregory, Sherman Delos
Gude, John G.
Guy, Raymond Frederick
Haft, Robert M.
Hanson, O. B.

Harbord, James Guthrie
Harden, Edward Walker
Hayes, Arthur Hull
Heath, Horton H.

McClung (Mrs.), Nellie Letitia
McConnell, James Vernon
McCosker, Alfred Justin
McDonald, Joseph A.

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Howard, Henry, Jr.
Hurley, John Joseph
Hutchinson, Thomas Harold
Jackson, Henry M.
James Edgar P. H.
Johnston, Russ
Jones, Merle S.
Joy, Leslie Wells
Karol, John J.
Kaye, Sidney M.
Kelly, Norval Ray
Kemp, Arthur James
Kesten, Paul W.
Kiggins, Keith
Kirby, Edward Montague
Kobak, Edgar
Kopf, Harry Clifford
Kosta, William James
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Ratner, Victor M.
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Ream, Joseph Harold
Revercomb, Everett Eugene
Roberts, Wilfred Stanley
Robinson, Kenneth LeRoy
Rorke, Hal B.
Rosenthal, Herbert Ira
Royal, John Francis
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Ryder, Charles Daniel, Jr.
Sandler, Ted
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Schmid, Robert A.
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Shepard, John III
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CHI RIDES EVEN KEEL; MOTOR BIZ UP

Chicago, Sept. 10. WBBM: International Shoe Company, St. Louis, time signal announcements through Henri, Hurst & McDonald, Chicago; Community Motors, Chicago, time signal announcements; Fitzpatrick Bros., Chicago, added Saturday morning 15-minute period for 'Meet the Missus' through the Neisser-Meyerhof agency, Chicago.

WIND: Studebaker Sales Corp., participation on 'Sports Edition' show through Schwimmer & Scott agency, The Beach, six 15-minute spots weekly on 'Night Watch' program; Midwest Motor Exchange, five one-minute announcements weekly; William Olson Watch Co., three one-minute announcements weekly.

WGN: Truscon Lab., one-minute participation three times weekly on the June Baker show through Martin Frank agency, Detroit; San Antonio Cigar Co., station break announcements twice weekly through Spector-Goodman agency, Chicago; John Puhl Products, 15-minute 'Man on the Street' with Don Norman, three times weekly through the Cecil & Presbrey agency, New York; Armour Co., three 15-minute spots weekly for Treel, through Lord & Thomas agency, Chicago.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	9,158	5,621	10,372
Spots	9,089	5,580	10,322
Spots/Unit	+1%	+0.6%	+0.5%

(Included: WBBM, WENR, WGN, WIND, WJJD, WLS, WMAQ)

KSL, KDYL SET RECORDS; SALT LAKE CITY GREAT

Salt Lake City, Sept. 10. With KSL and KDYL carrying the heaviest fall schedule in its history, and all other stations up noticeably, the local picture couldn't be much better. At KSL, after last week's boom in national spot, this week's business was up in all categories and what local, national spot and network didn't take, the politicians were eager for, leaving KSL hunting around for time. The Utah Woolen Mills (renewal local) is for the eleventh consecutive week.

KUTA: All Appliance Co., direct, 52-time spot contract; Park Radio Service, direct, 52 spots; Paris Dept. Store, 28 fifty-word spot announcements; Breakfast Club Coffee, 300-time contract; Star Kist Tuna, through W. E. Featherstone Advertising Agency, 300 spots; Ross Dept. Store, direct, 52 times, 50-word spot contract; Skid's Hat Shop, direct, 28 times, 50-word announcements; Wilson Products Company (Delicatessen), direct, 28 spot contract; Anderson Jewelry Company, placed direct, 265 Class A 50-word announcements; Quiz Kids, added to KUTA; Union Trust Company, through Francon Advertising Agency, 52 times, 100-word announcements.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	6,276	2,492	1,191
Spots	6,258	2,158	1,143
Spots/Unit	+0.3%	+15.4%	+4.1%

(Included: KDYL, KSL, KUTA)

San Antonio

Continued from page 25

Co. resumes Bright and Early Choir Sunday (8) over the Texas Quality Network, through Steele agency for 42 times; Southern Select Beer (Galveston-Houston Breweries) renewal for 28 weeks of the six-times weekly noon newscasts, through Thrutraft & Ryan; Studebaker, 20 15-minute electrical transcriptions weekly, through Roche, Williams & Cunningham; Buick, 28 announcements, through Arthur Kudner; Truettene Shortening (Carrington), 20 one-minute discs six per week for one year, through Franke-Wilkinson-Schweitz.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	4,632	7,521	1,768
Spots	4,915	8,045	1,928
Spots/Unit	-5.7%	-6.5%	-8.2%

(Included: KABC, KMAC, KONO, KTSB, WOAI)

Detroit

Continued from page 25

dently is going to place no curb but rather increase the automobile companies' use of the ether.

Department stores here are offering little difficulty with several of the major ones falling in line, including J. L. Hudson, a heavy user of newspaper space.

The political advertising, accounting for a great share of the local boost, is falling heavily toward WXYZ, which upped its local units considerably last week, because of the station's key position in the Michigan network. WJR, with its 50,000 watts, is doing okay here, too.

WJR: Olson Rug, Detroit, three 15-minutes of 'Olson Oddities' on Monday, Friday and Saturdays for eight weeks, placed through Presba, Fellers & Presba, Chicago, with six times a week due after Jan. 1, E. B. Muller Co., Fort Huron, a year's contract for two 15-minute weekly, Tuesday and Thursdays, of its 'Dunkers' Club, placed through Bullard agency, Port Huron.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	7,335	10,747	4,431
Spots	7,180	10,435	4,819
Spots/Unit	+2.1%	+2.9%	-8.0%

(Included: CKLW, WJLB, WJR, WMBR, WWJ, WXYZ)

BALTO. SPOT ZOOMS 20.9%

Baltimore, Sept. 10.

Plenty of action all around here with fall and winter schedules being lined up in bullish style by all stations. Shifting of time and adjustment to accommodate network demands switched three Red shows from WFBR to WBAL, which is affiliated with the Blue. Concerned in the shift were 'Alec Templeton Time', Burns and Allen, and du Pont's 'Cavalcade of America'. WBAL also reported taking Father Coughlin to start Oct. 20.

WFBR: Hind's Honey and Almond, 14 announcements weekly through Wm. Esty; Mid. Pharmaceutical Co. (Rem), 104 announcements via Jos. Katz; Olson Rug Co., three five-minute announcements a week through Presba, Fellers & Presba; National Beer, 13 half-hour studio shows through Stuart Webb Agency; Vicks, renewal of three five-minute-a-week newscasts placed by Morse International; Hecht Bros., local department store, 40 half-hour shows.

WBAL: Pique, announcements via Russel Seed & Perrins, announcements through Schwimmer & Scott, Chicago; Cats Paw Rubber Heels, announcements via S. A. Levyne Co.

WCAO: Chrysler Corp. (Plymouth), 21 spots beginning Sept. 13, through J. Sterling Getchel.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	7,080	4,398	2,240
Spots	6,580	4,563	1,853
Spots/Unit	+7.8%	-3.6%	+20.9%

(Included: WBAL, WCAO, WCBM, WFBR)

'RANCHO' SNARES SPONSOR

San Francisco, Sept. 10. R. A. Shuey Creamery, Oakland, bought 13 weeks of 'Rancho Peralta' on KROW, through Tomaschke-Elliott, Inc.

Twice-weekly historical narration, handled by John K. Chapel.

NATL. SPOT UP 33% IN SLOW L.A.

Los Angeles, Sept. 10.

Coast trade lost ground last week, although most stations picked up their share of new business. Spot department perked and local units showed a slight recovery, but the network slough-off pulled down the total.

KHJ: Clinched two nice deals, blocking off 520 quarter-hours for Langendorf Bakeries, through Leon Livingston, and 52 quarter-hours for Pacific Greyhound Lines, through Beaumont & Hohmann. Other new contracts included 28 half-hour programs for Lutheran Layman's League, through Kelly, Stuhlman & Zahnratt; 149 spots for Beckman fur, through Glasser agency; 30 spots for Hudson Motor, through R. H. Alber; 20 participations for Superior Sea Food, Norma Young's Happy Homes, through Hillman-Shane; 12 contracts for Lutheran Layman's League, through Kelly, Stuhlman & Zahnratt; 149 spots for Beckman fur, through Glasser agency; 30 spots for Hudson Motor, through R. H. Alber.

RNX: Morrell Packing Co., 130 five-minute newscasts, through Henri, Hurst & McDonald; Church Grapejuice, 24 participations in Fletcher Wiley combination, through Erwin, Wasey; American Chicle, 78 five-minute newscasts, through Badger, Browning & Hersey; Pillsbury Flour, 65 quarter-hour discs, through Dan B. Miner; Catalina Island, 10 quarter-hour transcriptions, through Neisser-Meyerhoff.

KFI: McMahan Furniture, 105 quarter-hour broadcasts of Fleetwood Lawson, commentator, through Ad Carpenter; Danya hand cream, 78 participations in 'California Kitchen', through Lamont Corliss; Brooks Clothing, 53 quarter-hour newscasts, through Stadel agency; Western Federal Savings, 26 quarter-hour broadcasts of 'Hot Dates in History', through Elwood Robinson; Eastern-Columbia department store, 10 time signals daily for one year, through Stadel.

KECA: McMahan Furniture, 105 quarter-hour broadcasts of Fleetwood Lawson, commentator, through Ad Carpenter; Justine bird seed, 39 one-minute transcriptions, through Richard Foley; World Book Encyclopedia, 12 half-hour broadcasts of 'School Kids Quiz', through Ernest Hix.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	9,587	9,528	1,759
Spots	9,824	9,407	1,702
Spots/Unit	-2.4%	+1.3%	+3.3%

(Included: KFCB, KFI, KPFB, KHJ, KXN)

Auto Coin

Continued from page 25

Motors contingent) are also in the announcement market. Hudson this fall has likewise bobbed up in the spot category, and Studebaker periodically is reported as a participation buyer. Ford has not been reported outside the Kansas City football deal, but Ford, of course, has a hefty web layout.

Local dealer contracts meantime are reported in Chicago principally. Otherwise spot schedules—due to break from now on—look very healthy. Incidentally, only one station (in Baltimore) has to date reported Father Coughlin blz on its ledgers. There undoubtedly are more, but this singleton is so far the only one reported.

San Francisco

Continued from page 25

like to listen to women milksters, Keplinger will keep all-male crew in the announcer-booth. Initial batch of mail responses to announcement of new policy was highly laudatory and contained heavy vote for addition of poetry to day's skeds. Verse shots now being worked on. Already inaugurated is 'Test You Forget', daily quarter-hour summary of club meetings. Interesting sidelight is that hereafter, not KFSN program will begin 'Ladies and gentlemen...' It's just 'Ladies...' from now on.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	8,778	4,851	2,012
Spots	8,640	4,798	1,998
Spots/Unit	+1.5%	+1.2%	+0.8%

(Included: KFOA, KFO, KJBS, KPO, KSF)

KOA, DENVER, SIGNS 286 1/4-HRS

Denver, Sept. 10.

KOA copped plenty of new business with the signing of two advertisers to contracts calling for 286 quarter-hours in a year. The J. A. Folger Coffee Co. took 260 and the Hartz Mountain Products took one-a-week for six months. Sales in spots and chain breaks were likewise large.

KOA: J. A. Folger Coffee Co., through Lord & Thomas, five quarter-hours weekly for one year; Hartz Mountain Products, through Geo. H. Hartman agency, 26 quarter-hours; Perfection Slove Co., through McCann-Erickson, 39 announcements; Gamble Stores, through BBD&O, 51 announcements; Model Cleaners & Dyers, through Raymond Keane agency, 28 announcements; American Furniture Co., through Raymond Keane agency, 52 announcements; Miller Fur, through Max Goldberg agency, 26 announcements; White Laboratories, through Wm. Esty, 13 announcements; General Motors, through Arthur Kudner agency, 20 chain breaks; Beech-Nut Packing Co., through Newell-Emmett, 99 chain breaks; Goodyear Rubber Co., through N. W. Ayer, 25 chain breaks weekly; Industrial Training Institute, through Lunke agency, four chain breaks; Chrysler Corp., through J. Stirling Getchel, 24 announcements.

KLZ: Bulova Watch Co., through Blow, two time signals nightly for one year; King Toy Cal shoe, Latham Tire Co., through Galen E. Broyles agency, two announcements; Miller Fur, through Max Goldberg agency, three announcements; Homer Bedford, two political announcements; Amendment No. 2, through Max Goldberg agency, nine announcements and four five-minute talks.

KFEL: National Fuel Co., one newscast a week for 13 weeks; Denver Dry Goods Co. five spots; Perkins-Epeneter Co., through Lane-Freiberger agency, 48 chain breaks; Mile High Roller Rink, through Max Goldberg agency, three five-minute programs a week, six months.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	7,378	4,217	1,332
Spots	6,593	3,960	1,289
Spots/Unit	+14.9%	+6.5%	+3.4%

(Included: KFEL, KLZ, KOA, KQVD)

N.Y. SPOT OKAY; UNITS REMAIN STEADY

New biz in New York during the past week was as follows:

WHN: American Jewish Hour, through A. B. Landau, renewed for 52 weeks; Thomas Leeming & Co., through Wm. Esty & Co., 26 weeks, participating announcements; Heinrich Frank & Sons (Chicory Coffee Tablets), through Dan Rivkin, 26 weeks, station-break announcements; Heller, B. & O. (Sure-Sweet Oranges), through Byrde, Richard and Pound, 52 weeks, participating and station-break announcements; Local Loan Company, through George Hartman Company, renewed for 52 weeks, news broadcasts; Jests, Inc., through Joseph Katz Agency, one-minute station-break announcements for 12 weeks; Julius Grossman Shoes, through Sterling Advertising Agency, eight participating announcements per day for 48 weeks; Friday Magazine, Inc., through H. C. Morris & Co., 10 participating announcements weekly; The Franciscan Friars of Atonement, through Donald Peterson, 'St. Anthony Hour', 52 weeks; Cotter Drug and Chemical Co. (Cuticura Soap), through Alherton and Currier, Inc., participating and station-break announcements, daily for 52 weeks; Carter Products (Arid), through Small & Seiffer, Inc., 52-weeks, station-break announcements; Oakite Products, Inc., through Calkins and Holden, eight weeks; contract, station-break announcements; New York Business School, six weeks' contract, participating announcements.

WNEW: Dodge Division (Chrysler Motors), through Ruthrauff & Ryan, Inc., six announcements; Jests, Inc., through Joseph Katz Company, 52 weeks, one-minute announcements, five-days weekly; Essex Amusement Co., 52-week, one-minute announcements weekly; Glen Island Casino, 'Dance Parade', 13 weeks; John K. Brater & Co., through J. Walter Thompson Co., 13 announcements weekly.

WQXR: Stromberg-Carlson, through Stewart, Hanford & Casler, Inc., renewal for one year, 'Treasury of Music'.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	630	10,030	10,643
Spots	630	10,186	10,612
Spots/Unit	...	-1.5%	+0.2%

(Included: WHN, WMA, WNEW, WOR, WQXR)

* No change.

CINCY IN FALL STRIDE

WLW Gets Two Live Talent Shows Dodge Spots to WRCB

Cincinnati, Sept. 10. Getting into seasonal stride, Cincinnati stations showed climbs in all time sales brackets last week.

Crosley's biggie WLW added two half-hour shows, by staff talent, for Friday night series. Walter H. Johnson, Cincinnati, Chicago, assumed sponsorship of the new Scramby Amby jumbled word quizzer, handled through the Franklin Bruck agency, Chicago. Ohio Oil Co., with headquarters in Findlay, Ohio, and filling station dealers throughout the midwest, took over the Marathon Melodies music show via Byer & Bowman, Inc., Columbus, Ohio. Latter program feeds to 13 NBC red stations.

WKRC is one of the Mutual affiliates airing the Wake Up America full-hour topical discussion Monday night broadcasts for the American Economic Foundation, off WKRC, Cleveland. This station also picks up 28 minutes of announcements for Dodge dealers of Greater Cincinnati.

Sept. 7 Compared to Aug. 31

Network	Local	National	Total
Units	4,725	9,258	5,451
Spots	4,470	9,022	5,318
Spots/Unit	+5.7%	+2.6%	+2.5%

(Included: WCPO, WKRC, WLW, WSAI)

N. A. Ins. Co. Testing

North American Accident Insurance Co. is making five-minute program tests in several markets. Periods will be exclusively talk, and the test campaign calls for three-a-week during three weeks. Franklin Bruck is the agency.

THREE MONTH TREND OF STATION BUSINESS

(For All Markets Regularly Reported by Variety)

NATIONAL SPOT			LOCAL			NETWORK			TOTALS		
Week Ending	Units		Week Ending	Units		Week Ending	Units		Week Ending	Units	
June 22	62,595		June 22	89,996		June 22	94,666		June 22	247,227	
June 29	62,145		June 29	90,375		June 29	90,034		June 29	242,554	
July 6	61,217		July 6	89,334		July 6	92,641		July 6	243,222	
July 13	62,054		July 13	90,015		July 13	89,929		July 13	241,998	
July 20	60,556		July 20	88,582		July 20	85,031		July 20	234,169	
July 27	56,646		July 27	87,309		July 27	87,240		July 27	231,195	
Aug. 3	56,588		Aug. 3	87,745		Aug. 3	87,756		Aug. 3	232,089	
Aug. 10	54,599		Aug. 10	86,147		Aug. 10	87,387		Aug. 10	228,133	
Aug. 17	53,957		Aug. 17	86,836		Aug. 17	87,487		Aug. 17	228,280	
Aug. 24	53,656		Aug. 24	88,330		Aug. 24	87,711		Aug. 24	229,697	
Aug. 31	54,003		Aug. 31	90,930		Aug. 31	87,671		Aug. 31	232,604	
Sept. 7	54,214		Sept. 7	90,291		Sept. 7	89,046		Sept. 7	233,551	

Columbia Reissuing 1,100 Jazz Record Classics; Beiderbecke, Ellington, Et. Al.

Columbia Records has set Sept. 23 as the release date for the first of the 1,100 or so old jazz classics that it intends reissuing. Old Big Beiderbecke, etc., sizzlers, some of which have never before been released, will be sold on the 50c label. They'll be marketed at an average of 15 a month until exhausted. First release will let go four eight-sided albums and 14 double-faced platters. They're aimed at hot jazz collectors.

Musty masters resurrected include stuff by Beiderbecke, Duke Ellington, Wingy Mannone, Johnny Dods, Eddie Condon, Chocolate Dandies, Ted Lewis, Sharkey Bananas, Buster Bailey, Fletcher Henderson, Bessie Smith, Henry Allen, Luis Russell, Louis Armstrong, Don Redman, Red Nichols and Miff Mole.

Company is also issuing a new line of standard songs in all style and tempo, from marches and hillbilly stuff. On release this week the platters will range from standard pops like 'Stardust' down through waltzes, concert, folk, light classics, march and hillbilly. They'll also be on the 50c label and be separate from the company's present lines of pop, classics, hillbilly and records.

Glenn Miller Caught In Middle When 1,000 Jivesters Riot In Hub

Boston, Sept. 10.

Glenn Miller, playing the RKO Boston here this week, ran into an unexpected jam with his jitterbug fans on opening day. A small riot developed on a side street by the theatre when a mob of about 1,000 swing kids marched from Boston Common to the stage door to demand live in place of marches.

Trouble started on Boston Common when the local WPA officials yanked the weekly Thursday noon jam session with Perley Stevens' orch. No notice was given the jitter jivers and they assembled as usual Thursday (5) for their noon spree. The kids found instead a middle-aged grass band pumping out 'William Tell' overture.

After a few futile tries to jitter to this drab stuff, the frantic youngsters, clamping at the bit, started marching around the bandstand, and from there to the RKO Boston. Assuming mob proportions and spirit, the gang raised a howl outside the theatre that filtered right through the walls during the second show. After ripping off the stage door, the swindlers were quietly by a riot squad from police headquarters and a few autographs from Miller.

Public jitter sessions were canceled because of a melee resulting from the lurid lawn party of the week before, when the jammers got into a mass brawl on the historic Common. Nearby Beacon Hill Symphony subscribers couldn't take it.

MUSIC GROUP CITES BERLIN FOR 'AMERICA'

Irving Berlin was awarded a plaque by Olga Samaroff, Stokowski, on behalf of the National Committee for Music Appreciation, at the organization's second annual dinner Monday night (9) at the Waldorf-Astoria, N. Y. Presentation was in recognition of his having composed the patriotic anthem, 'God Bless America.'

George A. Sloan, chairman of the Metropolitan Opera drive, was awarded a plaque by Harry Woodbury Chase, chancellor of New York University, for his work in raising \$1,000,000 last spring. Sloan was also presented with the committee's check for an undisclosed amount to help high school students of music to attend performances at the Met this fall.

John Erskine is the new head of the committee, which seeks to popularize good music in American homes.

Don Huston Quits Breese To Get Up Own Band

Don Huston, guitarist-vocalist with the Lou Breese orch, pulled out of that band last week to form one of his own. It's now in rehearsal in Chicago. Breese has not replaced Huston's guitar as yet, but took on Barry Warren, formerly with Jan Garber, as vocalist.

Breese outfit played Meadowbrook, Cedar Grove, N. J., Friday to Sunday (6-8) between the exit of Joe Venuti and the start of the Casa Loma band there last night (Tuesday).

BARNET MUST LIVE UP TO CRA DEAL

Charlie Barnet has been told by the American Federation of Musicians that his band must adhere to the terms of its booking contract with Consolidated Radio Artists. Means that Barnet will be forced to fulfill a series of one-night dates. CRA has booked for him beginning Sept. 13. On that date he is scheduled to begin two and a half weeks at the Fiesta Danceteria, New York, a booking set without CRA's help. Barnet is supposed to have offered to pay CRA its commission for the Fiesta stand regardless of the fact CRA had not figured in setting it, but the agency refuses to allow him to take the job.

On the other hand, the Fiesta management claims that it already has received N. Y. Local 802's okay on the date. Contracts were filed and given a green light by 802 the latter part of last week. Won't have any effect on the outcome of the case, but it gives the Fiesta a basis for recourse to civil action against Barnet if it chooses.

Conflict between 802 and the AFM main body is natural. Former had no alternative but to okay the date, inasmuch as no complaints had been filed against the Fiesta; AFM, being the licensor of agencies, had to be the body to which CRA would complain.

SPIVAK'S ORCH MEETS TRUCK—TRUCK WINS

Charley Spivak's orch was cut off from starting a scheduled location date at the Casa Loma niter, Charleston, W. Va., last Wednesday (4) by a truck which tangled with one of the band's cars and injured three of its musicians. Two trumpeters and the band's bass player wound up in a hospital with bad cuts and bruises after meeting up with the truck 30 miles outside of Charleston. Car was demolished.

Result was that Spivak didn't open until Saturday (7) and then only with local men, replacing the injured ones. Latter didn't leave the hospital until Monday (9). In meantime, George Damerl, the band which was to be replaced by Spivak, was held over to fill the gap. Spivak shifts to Yankee Lake O. Saturday (14) for two weeks, then starts an indefinite stand at Trianon Ballroom, Cleveland, Sept. 28.

Glaser West to Help Set Lionel Hampton Band

Joe Glaser flies to the Coast today (Wednesday) to help organize the new Lionel Hampton band, which he will manage. Understood Hampton's new bunch will use a fiddle team.

While on the Coast, Glaser will look into film deals for Slegin Fitchit and Louis Armstrong, also under his wing.

Baron Elliott invading Cleveland for first time Monday (16) for six weeks at Hollenden's Vogue Room, replacing George Duffy's orch.

2 Comebacks

Philadelphia, Sept. 10.

Two old-time bandleaders are making comebacks here, Jerry Lear, who used to baton the pit band in the old Keith's vaude house, is wanding a crew at the Old Heidelberg, North Philly bierstube.

Harry Dobbs, nee Harry Dobkin, has built band which he'll be breaking in at the Cadillac Tavern as soon as the spot reopens. Dobbs played in and around Philly niteries during the pre-prohibition era.

Pitt, Per Usual, Two Years Late On Rhumba Fad

Pittsburgh, Sept. 10.

Rhumba craze has finally hit Pittsburgh with a vengeance—two years later, of course, but then this burg is always late. Joe Sala started it with his new El Chico, on the site of the old Plaza Cafe, which the former head bartender at Nixon Cafe opened last Friday (6) with his own capital. Room is strictly in the Latin-American manner, with Lola Cordoba's band on the stand.

No sooner had Sala gotten started than Tony Conforti, owner of Nixon, town's most successful niter, announced that he had booked in Manuel Ovando's Cuban-American orch to alternate with Al Marsico's music. Ovando opened Monday (9). Now one of town's other leading niteries, Yacht Club, has announced it will shortly check in with a conga combo to relieve Herman Middleman couple of hours nightly. Others expected to follow suit.

Alternating bands are something brand new in Pittsburgh and, to look after interests of home employment, Local 60 of musicians union has announced that local bands must be used for a minimum of 30 hours weekly. Nothing less than that will be permitted, Clair Meeder, president of local, told niter owners here.

Morris Agency Getting Strong Hold on Chicago, With 8 Bands Dated

Wm. Morris agency will have a pretty fair stranglehold on the Chicago territory around the first of Oct. 1. Office will have no less than eight bands on location in the city at that time, only one of which will exit shortly after the beginning of the month. Duke Ellington, currently at the Sherman hotel, leaves Oct. 2.

In addition, there will be Ray Noble at the Palmer House hotel, set until sometime in December; Ernie Holst and Lon Saxon at the two Ambassadors, Holst opening at the Ambassador East Sept. 28 Ramon Ramos goes into the Drake Sept. 26; next day Adrian Rollins starts at the Blackstone for eight weeks. 'Sacasas' Royal Hawaiian are currently at the Colony Club for indefinite stay.

CBS Having Trouble Finding Orchs For Late Hours; Out-of-Town Pickups

Columbia Broadcasting System apparently is encountering trouble filling its late night sustaining time with dance bands. Network has been scheduling remotes from towns where certain bands are in theatres. It's explained by the network as a condition resulting from so many bands exiting summer-long stands to embark on one-night and theatre tours, and the fact winter locations have not yet started.

Not scheduled the Sammy Kaye crew for three half-hour shots over Saturday, Sunday and Monday from Washington, where the band is playing a week at the Earle theatre, then cancelled them. It did, however, pick up the Gene Krupa outfit from Hartford, Conn., where that group was playing at the State theatre. Krupa aired 12:35-1 a. m. Monday.

Local 802, N.Y., Pressing Probe Of Maria Kramer's 'Buy-In' On Bands In Lieu of Hotel Bookings

Agnew Orch Reopening Trianon In Cleveland

Cleveland, Sept. 10.

Back from two-month vacation trip through the west, Charlie Horvath is reopening his Trianon ballroom Saturday (14) with Charlie Agnew's outfit, which is closing two week seash at outlying Geneva-Lake's Pier dancery.

Tommy Dorsey is coming for first autumn Sunday one-nighter Sept. 15, with Al Donahue for Sept. 22 and Ted Fio-Rito Sept. 29. After ballroom whirl here, Fio-Rito is giving his bandmen a three-week vacation before heading for hotel dates in Dallas and Houston, Texas. Agnew is in the Trianon for a fortnight house band, being followed by Charlie Spivak Sept. 28.

WAR DECIMATES TOP ENGLISH ORCHS

London, Aug. 27.

Inroads of the military draft has played havoc with the setup of many of London's top bands. Even before essential age groups were reached it was apparent a whole bunch of talent was being swept by the war cry, as boys exchanged their musical instruments for the lethal kind. Many are unwrapping their again, however, for conscription duty with their units. It's reckoned the air force has one of the slickest combos on call.

Scarcity of available instrumentalists is being met by Ambrose, now holding auditions for youngsters between 16 and 19. Kids will line up eventually with an outfit he's building under label 'Cadets of Swing'.

NEW RADIO PROGRAM ON BANDS' HISTORIES

WOV, New York, started a six-weekly series of half-hour programs Monday (9) night which will follow the history of various name bands. Called 'Words About Music,' the 7:15-7:45 nightly broadcasts will start with the early, obscure days of raucous outfits and trace 'em to the present, giving the leader, singers, arrangers, musicians, etc., different nights, taking about a week to complete the story of each band.

Started with Benny Goodman. Program is the idea of Hal Davis and Les Leiber.

Coe Coleman band current at Cataract House, Niagara Falls, N. Y.

Stevens Hotel, Chi, Will Tee Off With Eddy Oliver

Chicago, Sept. 10.

Stevens hotel will reopen its Continental room Saturday (14) with Eddy Oliver orchestra.

This will be the first appearance of the Oliver band in Chicago.

COLUMBO REISSUES

Victor Records is reissuing at least one, and possibly more of Russ Columbo's cuttings. Pair of standards, 'All of Me' and 'Just Friends,' will be the first to be released in a week or so.

They were cut in 1931 and will be issued on Victor's 35c Bluebird label. Columbo died in 1934.

New York Local 802 of the American Federation of Musicians is pressing its investigation of the alleged ownership of pieces of bands by Maria Kramer, owner of the Lincoln and Edison hotels, New York. During the past couple of weeks 802 has had several bandleaders and their managers before its executive board for interrogation. Jack Rosenberg, prez of the local, claims that there'll be a letup until the situation is completely aired. It's the first time that 802 has had to handle a case of this type. The national body, however, has encountered the same sort of situation in several spots out of town. They were severely dealt with.

Investigation began following complaints over the booking there several weeks ago of Les Brown's band. He was originally supposed to be set for the Lincoln's Blue Room for four weeks, but moved out after the first stanza after a battle over Mrs. Kramer's reputed demand of 10% of his future gross earnings in return for giving his outfit a 'break'. Jan Savitt made the same arrangement with her, but claims he has not paid her despite the agreement. Savitt and Blue Barron, another crew which had a long stand at the Edison and is set to return, were travelling bands at the time they worked for Mrs. Kramer, which would bring the national body and the AFM into the picture. Charlie Barnet's orchestra is also said to be involved.

In order to get anywhere in its quest for evidence, the local must, of necessity, be offering immunity to punishment to bandleaders in exchange for facts. Union rules and regulations state that a leader can be expelled from the union if caught in such a part-ownership agreement with a hotel owner, hence the probable immunity. And a hotel niter, etc., can be put on the union's unfair list, preventing union bands from working them, if it's proven that an owner of such a spot demanded a percentage of a band's earnings in return for bookings.

In the case of booking offices, the rule is along the same line as those applying to bands. An agency revealed as okaying or urging a band to give up a 'piece' of itself in order to get a booking is liable to have its license revoked.

Mrs. Kramer is also a songwriter, being listed as the scribbler of a current pop labelled 'My River Home.'

Krupa Due for Third Repeat at Chi Sherman; Harry James Also Set

Gene Krupa band goes into the College Inn of the Sherman hotel, Chicago, New Year's Eve for its third shot at that spot. Band is booked pretty solidly until then, opening Sept. 13 at the Dancing Campus World's Fair, New York; shift to Glen Island Casino, New Rochelle, N. Y., Oct. 2, to open that spot's new winter season policy for three weeks, then hops two weeks at the Roseland Ballroom, N. Y., opening Oct. 25. Follows that with theatres and one-nighters till the Sherman date, which is for six weeks. Band goes to the Coast in the spring for stand at the new Palladium, Los Angeles.

Harry James' band is also set for the Sherman, opening Oct. 18 for four weeks in part of the stretch that Benny Goodman would have filled. Latter has again set back his new start in the band business until about Oct. 10. He has been set for the Sherman starting Oct. 4. Charlie Barnet has been mentioned for the interval between the Oct. 3 exit of the current Duke Ellington and the James opening.

Weinberger Goes West

Andy Weinberger, lawyer rep of Artie Shaw, showed off from New York Monday (9) to be present at Shaw's homecoming night (Thursday) opening at the Palace hotel in S. F.

Originally scheduled to come east with the Burns & Allen show the 23d and 30th of this month, Shaw stays on the Coast. Idea of moving the broadcast to New York for the two weeks has been cancelled.

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, is the estimated cover charge business being done by name bands in various New York hotels. Dinner business (7-10 P.M.) not rated. Figures after name of hotel give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Weeks Played	Covers	Total
Woody Herman*	New Yorker (400; 75c-\$1.50)	4	2,050	7,450
Russ Morgan	Pennsylvania (500; 75c-\$1.50)	4	1,400	5,100
Ina Ray Hutton*	Astor (900; 75c-\$1)	1	1,975	13,250
Ray Kinney*	Lexington (300; 75c-\$1.50)	17	1,300	21,200

* Asterisks indicate a supporting floor show, although the band is the major draw. † Eight days. Miss Hutton started her date Aug. 30.

On the Upbeat

Kaahues end long run at Hotel Roosevelt, Pittsburgh, Sept. 21 and go direct to Dallas to open Adolphus Hotel's new Hawaiian Room.

Bill Green's Casino, Pittsburgh, has extended Everett Hoagland's option to Sept. 20, after which band moves to Hotel Statler, Boston, for run.

Manuel Orlande orch. opened indefinite engagement Monday (9) at Nixon Cafe, Pittsburgh. Rhumba crew alternates with Al Marisco band.

Howard Becker to Greystone Ballroom, Detroit, following summer-long run at Pines, Pittsburgh.

Baron Elliott came in from Trianon in Chi to play final dance of season at Kenneywood Park, Pittsburgh. Replaced Lawrence Welk, who took over Elliott's spot at Trianon.

Max Adkins, who has been dancing all summer, returns to Stanley theatre, Pittsburgh, as house conductor with resumption of stage shows there Thursday (12).

Johnny (Seat) Davis' orch., following a week of rehearsals in Milwaukee, left Monday (2) in own special bus on tour of county fairs in this area, and later in the fall will return to the Blackhawk in Chicago.

Glenn Miller's band appearance at dance for benefit of Philly-LaScala Opera Co. has been changed from Oct. 13 to Oct. 5 to conform with the band's scheduled opening at the Hotel Pennsylvania, N. Y.

Guy Lombardo played one-day stand at Steel Pier, Atlantic City, Saturday (7). Little Jack Little ended week's act at that time.

Jimmy Martone's band set by Lew Platt, Akron ballroom operator who owns a piece of it, to reopen decorated Columbia ballroom near Berea, O., Saturday (14) after summer at Yankee Lake, Youngstown, O.

Paul Burton closed Euclid Beach's season last week and checked his band into nearby Cabin Club, Cleveland, for winter.

Bill Calvert, Cleveland musician, forming orch. of his own and also acting as business manager for Charlie Agnew during latter's mid-west trek.

Freddie Martin's orchestra doing a 'Melody Masters' short at Warners.

Stewart Scott orch. moving from Manor-on-the-Lake, Athol Springs, N. Y., into Cafe Aloha, Buffalo, Thursday (12).

Jimmy Dorsey made fast tracks Saturday (7), playing deb dance at Buffalo Country Club between Shea's Buffalo turns. Cabs rushed band out and back while theatre shuffled stage shows.

Bob Crosby winds up the summer season at Catalina Sept. 21 and is slated for one-nighters in San Diego, Fresno and Bakersfield, followed by a week at the Paramount, L. A., opening Sept. 27.

Chas. and Cy Shribman installed a bowling alley layout to operate in conjunction with hopping at their Roseland Ballroom, Taunton, Mass. Shribman-owned State Ballroom, Boston, has always had alleys below.

Bob Spangler replaced Russ Isaacs as Jan Savitt drummer.

Steve Bowers, bass player with Lou Bessie, continues with the band despite the fact he has to play with a broken ankle in a cast. Cracked it tripping off a low platform during a stage show at the Stratford theatre, Chicago, recently.

Tommy Dorsey scheduled for six weeks at Meadowbrook, Cedar Grove, N. J., beginning Jan. 21. Bobby Byrne's three-week stretch starts Oct. 22. Casa Loma went into the spot last night (Tuesday).

Shep Fields replaces Al Kavelin at the Essex House, N. Y., Oct. 16.

Jerry Livingston becomes the first outfit to play the Chanticleer, Millburn, N. J., under new name policy. Opens Sept. 17, replacing the current George Sterney.

Ted Lewis christens the new room at the Roosevelt hotel, New Orleans. Opens for four weeks Oct. 1.

Bobby Byrne getting nine extra local New York air shots via WNEB beside his NBC broadcasts from Glen Island Casino, New Rochelle, N. Y.

Nan Wynn no longer with the new Raymond Scott band. Singer exited after Scott left the Sherman hotel, Chicago, Thursday (5).

Moe Gale reopened Golden Gate Ballroom, N. Y., past weekend. It will operate only Saturday and Sunday.

day. Harry James and Lucky Millinder bands started.

Count Basie band returning east via dates at Birmingham, Ala., Aud. Sept. 25, and another at Atlanta, Ga., Aud. Sept. 26.

Raymond Scott band has femme press agent in advance on string of dates. She's Susan Spratt. Band plays its first theatre date at Orpheum, Wisconsin, Sept. 11-12.

39 NEW WRITERS JOIN ASCAP MEMBERSHIP

The largest number of songwriters to join the American Society of Composers, Authors and Publishers in a single month was admitted at the last meeting of the board of directors, when 39 were added to the Society's roster. These, plus the 80 other composers-authors and four publishers who have joined the Society in the first eight months of this year, bring the total ASCAP membership to the all-time high of 1,285.

The 39 newly-elected members are Meredith Willson, Fred Waring, Nancy Hamilton, Louis Prima, Dick Jurgens, Ella Fitzgerald, Sammy Timberg, Gladys Shelley, Arthur Olaf Anderson, Alonzo Elliott, Dick Finch, August Kleinknecht, Lani Meade, Chick Adams, Jerome Brainin, Rodie Britain, Foster G. Carlinz, Charles Carpenter, Ed Chappelle, Ed Edwards, Kim Gannon, Ethel Gann, Hier, Edward J. Lambert, David McHenry, Richard Himber, Charles L. Cooke, Beatrice Penner, Don Raye, Clarence M. Jones, Mary Carr Moore, Harold R. Skeath, George F. McKay, George McKinnon, Hugh F. Prince, Stephen Richards, Clarence A. Stout, and the estates of Eugene Field, Herbert Ingraham and George A. Norton.

New publisher-members of ASCAP so far this year are Western Music, Rialto Music, Axelrod Publications and Shattinger Piano & Music Co.

WB Wins Song Suit

Serge Adelheim's suit against Warner Bros. Pictures, Inc. for \$5,000 claiming the unauthorized use of a song entitled, 'Molch, Grust, Molch', in 'British Agent', was dismissed by N. Y. supreme court Justice Samuel H. Hofstadter yesterday (Tues.). Dismissal was based on failure to state a cause of action.

Adelheim is the assignee of a Russian composer called Beresovsky (first name unknown), who wrote the involved song in 1930. It is claimed when Warners bought the rights to the song they paid for the lyrics, but neglected to pay for the music.

English Actors

Continued from page 1

elsewhere, the feeling here is that the all-British productions on actors should sometimes be modified.

Case that aroused resentment here involves an actor who recently came from London to appear in a production with the Royal Alexandra stock company. He made a local hit and it was decided to use him in another play. Equity's permission was asked to waive the rule barring 'aliens' from appearing in two different shows within six months. Frank McCoy, New York manager who is co-operator of the Royal Alexandra company, was notified by Equity that an exception could not be granted in the case.

Governmental Slant

Local feeling is that, regardless of Equity rules, an Englishman is hardly an 'alien' in Canada. What, if any, action the government may take in the matter is uncertain, for no hints of possible action have been forthcoming. However, since Ottawa authorities have been giving official support to the theatre as a vital stimulus for public morale during wartime, it is figured some definite action may result.

Regardless of any agreements between U. S. and British Equities, the Dominion government could revoke the jurisdiction now held by Equity in Canada. That could have various unpredictable repercussions. There are few U. S. actors in Canada, except those who play here temporarily in touring shows from the States. However, there are a number of Canadian actors in the States. Some of the more prominent of them have been there long enough to be exempted from possible application of alien restrictions. But many others have been in the U. S. only a few years.

15 Best Sheet Music Sellers

(Week ending Sept. 7, 1940)

I'll Never Smile Again	Sun
Blueberry Hill	Chappell
When the Swallows Come Back	Witmark
Sierra Sue	Shapiro
God Bless America	Berlin
I'm Nobody's Baby (Andy Hardy Meets Debutante)	Feist
Nearness of You	Famous
All This, and Heaven Too (ATHT)	Remick
Practice Makes Perfect	BMI
Six Lessons From Madame La Zonga	BVC
Shout, I Am	Mercer
Carra Get Indiana Off My Mind	Santly
Fools Rush In	BVC
Trade Winds	Harms
I'm Stepping Out With a Memory Tonight	Robbins

* Film musical

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

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (Sept. 2-8). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol denotes film song, † stage musicals, all others are pop. Parenthetical numeral after the title indicates how many weeks the song has shown up in these listings.

TITLE	PUBLISHER	GRAND TOTAL
Maybe (6)	Robbins	46
Practice Makes Perfect (6)	BMI	44
I'll Never Smile Again (13)	Sun	31
That's for Me (5)	Famous	31
All This, and Heaven Too (12)	Remick	30
I'm Nobody's Baby (13)	Feist	27
Same Old Story (6)	BMI	25
When the Swallows Come Back (11)	Witmark	23
One Night in Paris (17)	Paramount	22
Fools Rush In (15)	BVC	21
Get the Moon Out of Your Eyes (7)	Paramount	21
Blueberry Hill (9)	Chappell	20
In a Moonboat (1)	Crawford	20
Sierra Sue (1)	Shapiro	20
Trade Winds (5)	Harms	20
And So Do I (4)	Marks	19
Nearness of You (13)	Famous	19
Breeze and I (18)	Marks	18
I Can't Resist You (16)	American	18
There I Go (6)	BMI	18
Danny Boy (18)	American	16
Love Lies (6)	Feist	16
Six Lessons From Madame La Zonga (13)	BVC	16
Mister Meadowlark (11)	Veret	16
Rhumbogie (2)	Leeds	16
Can't Get Indiana Off My Mind (6)	Santly	15
A Million Dreams Ago (1)	ABC	15
Call of the Canyon (6)	Shapiro	14
Only Forever (2)	Santly	14
Crosstown (3)	Shapiro	13
Orchids for Remembrance (10)	Miller	13
Looking for Yesterday (1)	Berlin	13
Sho, I Am (1)	Mercer	12
Down by the O-hio (11)	Forster	11
I'm Home Again (2)	Olman	10
Seems Like a Month of Sundays (3)	Azer	10
Tonight (14)	Southern	10

Beauty Pageant

Continued from page 3

soning appeared sound, too, because big sporting events are notoriously floppo here, and legit attractions draw very few natives. They believed local crowds wouldn't pay to see the beauty pageant alone, without a lot of vaude and films thrown in.

On the Steel Pier crowds that paid 75c to see a film, a vaude bill and several circus acts, saw the pageant beauties judged in addition—if they could find standing room in the Marine Ballroom, which would seat and stand 10,000. But at this year's pageant in the Convention Hall they paid \$2 for box seats, \$1.50 for regular seats close up, \$1 for undesirable ground floor seats, and 50c for general admission in the balcony. And at 6 o'clock Saturday night, three hours before showtime, the last ground floor seat was sold out.

Reasons for this success were many. First of all, it was a good show. Secondly, it became a genuinely civic enterprise. Bob Russell, emcee, and the Midshipmen Singers, The Arnolds, Deval Merle and Lee, Paul Syddell and Spotty, Vilma and Buddy Ebsen, Pat Rooney, Jr., and Herman Timberg, Jr., Bert Estlow's orch, Ruth Miller's production of 'Beauty Through the Ages,' and Lois Miller participated.

Ben Tuley, manager of Hotel Traynor, was director general of pageant committee.

Indpls. Ballroom Reopening

Indiana Roof Ballroom, closed since spring, will reopen Friday (13) under the management of Alice MacMahon, who had been secretary for years to Tom Devine, former operator of the Roof, and now owner of Devine's Music Hall, near the downtown sector.

Roof was operated by Cork Bros. last season. Miss MacMahon will book in name and semi-name bands.

AM TUNES FLOODING DEMOS, REPUBLICANS

Democratic and National Republican committees have been swamped with campaign songs, contributed by amateur songwriters from all sections of the country. In the case of the Democrats, the manuscript inflow has long since gone over the 1,000-mark.

Neither faction has made any move to capitalize on any of the tunes. While nothing officially has been decided, the Democratic campaign exploiters are inclined to make use of 'F.D.R. Jones,' from the score of 'D Rather Be Right.'

Connelly Taking Rest

The Reg Connelly-Irwin Dash takeover of Superior Music being virtually set, the English music publisher leaves for Nassau this week on a holiday. Mrs. Connelly and the 16-year-old son, Pat, joined the pub. recently. They plan returning to England shortly after the Nassau vacation.

Dash, who is an American will remain in New York to operate the new firm.

Leo Reisman on two weeks' notice at Ben Marden's Riviera, Fort Lee, N. Y.

JIMMIE LUNCEFORD

And His Orchestra

CASA MANANA

CULVER CITY, CAL.

5TH WEEK

Mgt. HAROLD OXLEY

17 East 49th St., New York

LAST SEASON WE GAVE YOU . . .

BREEZE AND I • SAY SI SI

RANCHO GRANDE • JUMPIN' JIVE

NOW WE TOP THEM WITH . . .

AND SO DO I

WHATEVER HAPPENED TO YOU?

MY DISPOSITION

HEALTH, WEALTH AND LOVE

SOON TO BE RELEASED ON ALL RECORDS

EDWARD B. MARKS MUSIC CORPORATION

RCA BLDG. • RADIO CITY • NEW YORK

FRANK HENNIGS—GEN. PRO. MGR.

U.S. Record In N. Y. Follows Scranton Plant in Filing Petition for Reorg.

Both the U. S. Record Corp., of New York, and its Scranton pressing plant, set up as the Scranton Record Manufacturing Co., filed voluntary petitions for reorganization under Chapter 10 of the Chandler Act last week, marking another phase in Eli Oberstein's struggles to set up and operate a recording company after his release as recording director of Victor Records. Action of the New York end was filed Wednesday (4) and was forced by the fact that the Scranton end had done the same thing the previous Saturday (31).

As laid out, the U. S. Record outfit was in two separate companies, the New York end to hire and record and distribute pressings, and the Scranton end to manufacture the records. The latter group was headed by Stephen Quackenbush, head of the Scranton Chamber of Commerce, and one of a local group of bankers who financed the pressing outfit as a means of bringing more industry to that town. Action of the pressers in filing a petition for reorganization was a result of a battle between both ends for control of the entire setup. Oberstein claims the N. Y. end owns 32 1/2% of the manufacturing setup.

\$93,147 Liabilities
Oberstein's filing lists no liabilities or assets, but the record company states that its liabilities as of Aug. 31 were \$93,147. The balance sheet as of August 31 shows \$181,396 in assets and liabilities. The court was requested to continue the debtor in charge of its business and to stay creditors from bringing injunctive proceedings against it until a plan of reorganization and new capital, which it is seeking, has been brought in. The request was granted. Company's contracts with its recording bands are not disturbed by the action. All hold good.
Capital stock authorized is 25,000 shares of common, 17,000 of which (Continued on page 36)

FELIX ARNDT'S WIDOW IN VOLUNTARY BKPTCY.

Nola L. Mandel, known as Mrs. Henry Mandel and Nola Arndt, filed a voluntary petition of bankruptcy in N. Y. federal court, Wednesday (4) listing no assets and \$7,388 in liabilities. Last year, her earnings consisted of \$989 in royalties from the American Society of Composers, Authors and Publishers.

Among liabilities is \$607 owed to the Knickerbocker Broadcasting Co., Inc., for services rendered, and \$1,064 owed to Acwelltone Corp. and Musictype Corp., on a judgment. Although not listed as an asset, the bankrupt mentions she has a suit pending in N. Y. supreme court against Sam and Harry Fox Publishing Co., as successor to the estate of Felix Arndt, deceased, and royalties she is due to receive from songs from ASCAP. Her occupation is listed as operating musical programs for radio.

Arndt composed "Nola," named for her, and she thinks she has more royalties due her.

Tough Handicap

Ever since 34 publishing firms filed collection suits against the U. S. Record Co., the latter manufacturer has been operating under Section 1E of the copyright as far as music licenses are concerned. Under 1E, the recorder is required to pay 2c per number on actual disks manufactured and to supply statements monthly instead of quarterly, as is the customary practice. U. S. Record had been paying 1 1/4c and the publishers are puzzled as to how it can do this score alone stand the competition from other firms.

The suit filed several weeks ago through Harry Fox, as agent and trustee, named the 34 firms up to the quarter ending June 30.

AGMA VS. AFM INJ. HEARING SEPT. 17

Hearing on the American Guild of Musical Artists' temporary injunction plea against the American Federation of Musicians, scheduled for last Tuesday (5), is now set for next Tuesday (17), before Supreme Court Justice Aaron Sleser. In the meantime, the temporary stay granted by Justice Ferdinand Pecora remains effective, preventing AFM president James C. Petrillo from attempting to carry out his demands that all AGMA instrumentalists list his name or be barred from radio, records or appearances with symphony orchestras.

AFM executive board last week passed a resolution endorsing Petrillo's move to force the concert artists into AFM, but that was regarded as a foregone conclusion and without particular significance.

In a press conference the middle of last week, Petrillo and his attorney, Henry A. Friedman, expressed confidence of winning the injunction fight Thursday before Justice Carroll Walter. However, Petrillo told reporters he had been advised by the lawyer not to talk about the case. Day before the scheduled hearing, Friedman asked Henry Jaffe, AGMA attorney, to agree to a postponement, on the ground he had not had time to prepare the case. Jaffe quickly granted the request and Justice Walter set the later date. Believed likely that if the case is actually heard Tuesday the judge will take at least another week to consider before handing down his decision. Regardless of the outcome, AGMA intends pushing on for a permanent injunction. Friedman has declined to reveal his plans.

With the question of cooperation with AGMA by various of its affiliates in the Associated Actors and Artists of America still uncertain, there was some comment in performer union circles last week over the handling of the matter in the current issue of the Screen Actors Guild magazine. Short article reporting the jurisdictional dispute with Petrillo appeared near the back of the issue. Although the article quoted what has been called SAG's "appeasement resolution" against "encroachments on its jurisdiction," it specifically added that the "encroachments" referred to were Petrillo's move to take over the concert instrumentalists. Piece also suggested that one of Petrillo's possible motives might be "extension of the field of IATSE stagehands to highschool and community audiences, where AGMA's members do 85% of their work in one-night programs."

AGMA Raps Petrillo
As an answer to Petrillo's claim that such AGMA artists as Heifetz, Iturbi and Hofmann "musicians because they play musical instruments and should therefore belong to AFM, leaders of AGMA point to the fact that opera prompters have been forced to join the music union. Prompters are the men who, unseen from the audience, call the cues and direct the singers from a hooded box

Fredericks Close Cleve.
Office; Johnson to Chi
Cleveland, Sept. 10.
Fredericks Bros. closed its local band-bookings branch last week and shifted its manager, Roy Johnson, to the Chicago office.
Cleveland territory hereafter is to be handled by Chicago and New York F. B. reps.

TIME SIGNALS INSPIRE BANDS

Now its original tunes written around the Lucky Strike time signal station breaks that are getting the attention of bands. Both the Bobby Byrne orch and Russ Morgan's band currently are using numbers based on the ciggie's time signals. Byrne has one written by his brother, Don, called "The Right Time." Morgan's, written by him and Ken Hecht, is tagged "It's Eight O'clock" and is fitted with lyrics using the proper note changes for the much-used title phrase. Byrne's is an instrumental, but the band choruses the change in time in minutes as the song runs off.

"Little while back it was institutional originals that were occupying attention of various bands. Almost every outfit worked up one written around a phone number, or location of the spot they were working."

Byrne is at Glen Island Casino, New Rochelle, N. Y., and Morgan at the Pennsylvania hotel, N. Y.

ASCAP Okays Moving Paris Office to Vichy; U.S. Tunes Still Strong

If Hugo Bryk, European representative for the American Society of Composers, Authors and Publishers, wants to move his office from Paris to Vichy, seat of the French government, it's okay with ASCAP. So Bryk was informed last week in answer to a query on whether it was okay to transfer ASCAP's European headquarters from Nazi-occupied territory into that part of France which is still administered solely by Frenchmen. Bryk meantime is in Switzerland.

In its reply, ASCAP stated that it would be guided by Bryk's advice in the matter. Bryk wrote that the British, Italian and French performing rights societies were functioning as usual in both occupied and unoccupied territory, and that American music was still being used to a great deal in the former territory.

MPPA BOARD HUDDLES AFTER SUMMER LAYOFF

Board of directors of the Music Publishers Protective Assn. meets this afternoon (Wednesday) at MPPA headquarters for a discussion of several special matters.
The board hasn't had a huddle since early in the summer.

Walters Vice Lee With Chi Witmark; Miller Moves

Chicago, Sept. 9.
Harold Lee has been replaced as manager of the local Witmark office by Billy Walters.

Benji Miller, who was Lee's assistant, leaves Witmark to head the local Santly-Joy-Select office, replacing Nick Campbell, who shifts to the New York office.

by the footlights in the center of an opera house stage. They not only are not instrumentalists, they aren't even vocalists.

AFM action in forcing them to join the union, plus Petrillo's move of a year or so ago in taking in Chicago radio announcers, regarded by AGMA officials as proof that he is actually trying to encroach on the jurisdiction of other unions and thus take over the whole music and radio performer fields, instead of merely protecting his jurisdiction, as he claims. In the case of taking in radio announcers, his explanation at the time was that AFMA was not organizing the field and that he was afraid that if he didn't take them in that the CIO might do so. He finally relinquished the men in question to AFMA, but not without some resist-

Talk New BMI-Metro Deal On 500G Yrly. Licensing Terms; Trade Skeptical

British Best Sellers (For Week Ending Aug. 17)

(Sixpenny Numbers)
Singing Hills.....Connolly
Tigerbly Bo.....Maurice
Arm in Arm.....Wood
Dreams Grow Old.....Feldman
Oh Johnny.....Day
Don't Pass Me By.....Gay
Made Me Care.....Norris
Dancing Doll.....Gay
Old Mill.....Sun
Little Sunshine.....Dash
(Shilling Numbers)
Nightgale.....Maurice
Beguine.....Chappell
Woodpecker Song.....Sun
Don't Cry Over Me.....Wood
Fools Rush In.....Cavendish

GAC AND ROMM ON VERGE OF UNMERGING

Harry Romm and the General Amusement Corp. are reported on the verge of severing connections with only the details of the split yet to be worked out. Romm handled all theatre bookings for GAC bands, a job which will probably be spread among Tommy Rockwell, Mike Nidort and Milton Krasney, the agency's top execs.

Romm denies he's leaving, explaining that he has a contract with GAC that's effective until Feb. 1, 1941. He and the Will Osborne orchestra, which he personally managed for years, recently split, Osborne shifting to the Wm. Morris agency for bookings.

GAC is closing its Cincinnati branch office Saturday (14). Bob Weems, who had shifted from the N. Y. office to handle that end, is to be let out. Area is to be served through the Chicago end. Cincy office was opened July 1.

Jerome Kern did five tunes for "Caribbean Nights" at Universal. Ditties are "You and Your Kiss," "Simple Philosophy," "Your Dream," "Remind Me" and "Farandola." Oscar Hammerstein 2d wrote the lyrics for "Your Dream" and Dorothy Fields for the other four songs.

Deal between Metro and Broadcast Music, Inc., has begun to simmer again. Idea of making an outright buy of the three Metro catalogs, Robbins Music Corp., Leo Feist, Inc., and Miller Music, Inc., is dead, but Julian T. Abeles, music counsel for Metro, and Sidney Kaye, B.M.I. v.p., are working on new proposition which has to do with performing rights.

Proposition, reported, entails a five-year contract, with Metro giving BMI the exclusive rights to license the performing rights in the three catalogs for \$300,000 a year. Metro's share of the ASCAP distributions in 1939 was \$420,000, and it is estimated the three catalogs' income from the same source this year will figure around \$450,000. The price quoted for an outright buy of the three catalogs was \$3,275,000.

General belief in the trade is that nothing will come of this new proposition and that Abeles and Kaye will keep the ball rolling between them until Dec. 31, or until Metro makes certain that there is no possibility of indictments being handed down against the American Society of Composers, Authors and Publishers on conspiracy in restraint of trade or price-fixing charges.

M-G MUSICAL SPLURGE TAKES LINK TO COAST

Harry Link, general professional head of Feist, to the Coast on Metro filmicals.

Coming up are "Hullabaloo," Louis K. Sidney's first M-G production, wherein "Handful of Stars," by Ted Shapiro and Jack Lawrence, is the stand-out song, "Ziegfeld Girl" is another soon-due Metro filmical for Feist song exploitation, "Little Nelly Kelly."

Link will spend two weeks on the Coast huddling with studio execs.

Geiringer in U. S.

Hans Geiringer, formerly secretary of the International Federation of Authors Societies and ex-sec of the Austrian songwriters association, has arrived in America. A native Viennese, he has long resided in France and is a French citizen. He is now known as Jean Geiringer.

Besides being an official of the songwriting organization, he's a w.k. stage and screen librettist and lyricist.

4 BIG HITS!

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MAY BE

The No. 1 played song on radio

FERRY-BOAT SERENADE

Catching on faster than "The Woodpecker Song"

I WOULDN'T TAKE A MILLION

Mack Gordon and Harry Warren combine talents for the first time to write their supreme song achievement. Sung by SHIRLEY TEMPLE in the 20th Century-Fox picture "Young People"

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Night Club Reviews

ASTOR ROOF, N. Y.

Ina Ray Hutton Orch (14), 3 Wiles, Ruth Hughes Aarons and Bernard Grimes, Sigrid Dagnie, Sande Williams Orch (5); 75c. and \$1 cover.

This is the best dance band that Ina Ray Hutton ever has had. All-male combo of 14 is fronted by the slinky-gowned a. a. batonier who also weaves an interesting bump or two, while maestros, but essentially it's good dancability, which is a major prerequisite. She formerly headed an all-female band, which may have been easier on the eyes but not the ears.

Succeeding Tommy Dorsey atop the Hotel Astor is no cinch assignment, but she does a creditable job. Dorsey held down the podium for the major portion of the summer to the hotel roof's best gross in seasons, and now Miss Hutton winds up, supported by a neat little outfit show.

The 3 Wiles are a standard comedy act with their eccentric legman in concerted rhythm; Chaplin, Durante, and Groucho Marx takeoffs; bokum, marionette, and a "Wooden Soldiers" dance routine, following a clever costume change in front of the audience.

Ruth Hughes Aarons and Bernard Grimes are effective, per usual, with their table tennis. Long with Sandor Glance, Miss Aarons has a new partner in the intercollegiate table tennis champ, Bernard Grimes. She herself is fast little foot, while the tennis champion and has toured her pingpong dexterity from the Rainbow Room to the Roxy, and points west. A nice looking blonde she has an ingratiating style of performance interspersed with increasing showmanship through trick shots; playing with audience recruits while she's seated on a chair through, etc. Sigrid Dagnie—chorus girl out of "Higher and Higher," evidences her worth with solo terping in plastic toe work to "Three Shades of Blue"; a thumb on her nose. Personal blonde makes for a nice interlude.

The Hutton crew of 14 includes some notable alumni of other bands such as Clarence Willard, first trumpeter, formerly with Whitey and Johnny Mendell, second trumpet, ex-Jimmy Dorsey; Gay Fusco, first trombone, formerly Eddie DeLange; Charles Maxon, second trombone, a George Hall alumna; Bill Westfall, trumpet, ex-Dick Stabile; Lenny Goldstein, sax, formerly with Red Norvo; Danni Capri with Teddy Powell; George Paxton, tenor sax, ex-Al Donahue; Jack Portello, guitar, ex-Tommy Reynolds; Wally Gordon, drums; MacRae Adams, Phil Olivella, Irvine Orton and Pat Ruggles rounding out the nucleus. Particularly effective is that electric steel guitar in the arrangements.

Miss Hutton's own specialties comprise peckin' arrangements of "Woodpecker Song," with a host of variations, to "Say Si Si," and general on-the-upbeat jive. The relief Sande Williams band (5), a Hotel Astor standard, does all right too in the intervals.

CHASE CLUB, ST. L.

(HOTEL CHASE).

St. Louis, Sept. 5.
George Givot, Walter Cassel, Maxine and Clayton, Paul Durand, Glee Club, Marshall Cram, Joe Straw, Carl Ravazza Orch (12); \$1.25 and \$1.75 minimum.

With opposition from the Municipal Theatre Association, the playhouse enterprise in Forest Park, two straw-hatters and couple of county niteries evaporated by the closing of their seasons on Labor Day, the Chase Club is angling for most of that trade and current show with George Givot as the big attraction. It's the "Greek philosophers' local debut and he's packing 'em in."

Givot still considers the English language with his dialect stories that border on the blue and warbles parodies on "Beguine" and "Yes, We Have No Bananas." For the late shows, when the more "liberal-minded" are in attendance, Givot lets down his hair a bit and socks across some sophisticated yarns.

Carl Ravazza has several tooters who double neatly. Walter Cassel, baritone who cycled recently in "East Wind" at the Municipal theatre, Forest park, played a two-week engagement at the Chase and is back for two more. He goes over, Maxine and Clayton (2), hoofing team, also cycled. They've been in a couple of Paramount pictures.

With Ravazza batoning his latest Victor recording and his current theme, "Viogni Su," the show gets under way and Marshall Cram, a recent California high school grad, ticks with "Wabash Blues" on his trombone. Cram has replaced Bill Hemmett, who joined Joe Reichman's outfit.

Paul Durand warbles a couple of comic ditties, the Glee Club scores with "Love Song" and "Woodpecker" and Joe Coates fiddles some oodles. Ravazza brings the show to a close with a neat little "God Bless America" is heavily featured.

Sahu.

COCOANUT GROVE

(WALDORF HOTEL, MEXICO CITY)

Mexico City, Sept. 4.
Ramon and Florene, Columbian Trio, Kings of Jazz Orchestra; no cover.

Atop the Waldorf (formerly Diane) hotel is an attractive triangular-shaped supper room (first show at midnight, second at 2:30 a.m.), with a prix fixe course meal at six pesos and a la carte quite reasonable. Spot was getting a good play on recent Friday evening as one of the limited number of "nice" places in Mexico City.

Food and service were okay, but dance orchestra pretty weak, offering mostly slow tempo stuff, which did not inspire much audience pep, although the young Mexican steppers came up with the first note every time. Routine male solo spot of its best chance to make an impression. Another showmanship flaw is using guitar-song trio for table singing and then introducing them as a floor act. It stole their prestige and novelty and they found the crowd lethargic. Trio was okay, having been heard at the Weylin Bar and other spots in New York.

Ramon and Florene's three numbers without a pause, demonstrate them to be first-rate ballroomologists. Audience was slow to appreciate their lifts and general technique, but finally surprised. Senorita Florene was dressed becomingly in a long, slinky satin gown with Mexican petticoat, but should have worn matching black satin panties instead of the not-much-for-seeing domestic brand. A sole flaw in a turn otherwise on the ultra side.

A good-looking Mexican emcees the show straight.

Land.

BLACKHAWK, CHI

Chicago, Sept. 5.
Dick Shelton Orch with Gloria Gilbert, Ink Spots (4).

Current lineup marks a departure from established policy by this loop spot. Formerly the lure was always the orchestra, with the floor show relegated to filler quality.

Ink Spots are the sole current floor show and the boxoffice item also, since the Dick Shelton band is strictly a newcomer. Blackhawk owners have a real interest in the Shelton orchestra and a lot of progress in every way. And one of the potent ways of promoting Shelton to give him eight weeks of sustaining buildup over WGN.

But the nation's top star-line of bands, Blackhawk and WGN have figured cooperatively in the making of several top orchestras.

Shelton has a meek, pleasant little orchestra. It's no great shake on any score, with the emphasis on

sweet stuff that's basically music-box calibre. About the best that can be said is that few are going to actually dislike it.

Not quite as moosey as the band is the femme warbler, Gloria Gilbert. She stands up there and slugs away at a tune and manages to give it considerable verve.

The Ink Spots have a strong reputation even though fresh in this territory. Scored mightily with this audience. Act has plenty of salesmanship in delivery and style. The tall singer has no particular voice, but has a natural staccato enunciation that punches over a ballad. Boys work hard and willingly, and altogether have a solid turn. Entire proceedings are put together with a shrewd eye and ear for public reaction, with an excellent change of pace particularly impressive in the act's routineing.

Gold.

U. S. Record

Continued from page 35

have been issued with a par of \$1 and 4,000 shares of preferred, with a par of \$50, of which 1,900 shares have been issued. Of the \$93,147 owed, \$49,650 is owed to 175 unsecured creditors.

There are 11 proceedings against the company in various courts, most of which were brought for unpaid royalties. These are a suit by Harry Fox for \$11,147; Leeds Music Co., \$3,000; Melrose Music Corp., \$463; Luz Bros. Music Publishers, Inc., \$547; Rex Music Co., \$1,532; Talking Book Corp. of America, \$1,148; Leo Feist, Inc., \$284; Miller Music, \$355; Robbins Music Corp., \$208; E. B. Marks Music Corp., \$208, and Kraus Distributors, Inc., \$800. Petition explains that a forced sale would result in little being received for creditors, but that the debtor, if allowed to continue, could salvage the business. Many contracts with artists and music organizations, as well as the distribution of last year of 2,000,000 records, are listed as an example of good will.

Assets

The balance sheet discloses cash on hand as of August 31 of \$2,321 and accounts receivable of \$21,413. Records are valued at \$43,312 and masters and mothers at \$100,000. Both of these largest assets, however, are pledged on a chattel mortgage to the Pilgrim Trust Co. This was for two loans, one of \$15,000 and another of \$5,000. Liabilities consist of the stock, accounts payable, copyright royalties due and monies due the 175 unsecured creditors. Eight officers and directors are listed, with the president, Charles M. Hemenway, serving with no salary; Eli B. Oberstein, a director, receiving \$16,000 a year; and Lowell M. Mayberry, director, receiving \$5,000.

Judge Vincent L. Leibell Friday (6) referred the case to Irwin Kurtz, special master.

Inside Stuff—Music

Woody Herman band started a giveaway gag on its new Saturday afternoon NBC broadcast (7). A switch on the anagram game, Herman calls his airing "Tune-o-Gram Time" and pays a prize of \$10 to the listener sending in the most words of five letters or more that can be gleaned from the letters in a song title. The song used will in every instance possible be one of the band's flock of originals on the order of "Woodchuck's Ball." Many gags have been used on sustaining broadcasts, but few have given cash prizes. Cassa Loma band did some time ago.

Herman shifted from CBS to NBC pickup week before (31), his initial Saturday session being "welcome" broadcast. Gets four additional half hours weekly.

Public music concerts on bandstands of parks in various parts of New York cost Local 802 of the American Federation of Musicians half of the \$15,955 bill during the past summer. Concerts, half of the cost of which was borne by the Friedman Foundation, used 812 musicians over the season. They played to over 130,000 people in 20 concerts.

Season was the third sponsored by the local, the Friedman Foundation, and the N. Y. Park Department. Mayor LaGuardia conducted opening and closing concerts at Central Park, N. Y.

Johnny Long's band is sharpening its NBC Saturday afternoon sustaining pickups each week from the Roseland ballroom, New York, by bringing in for each week an instrumental specialist from another outfit. For week it was Sammy Weiss, drummer who has been with a number of topflight groups at one time or another, and lately has been doing studio work. Next Saturday it's Bobby Hackett, trumpeter. Guests chip in with samples of their stuff. Long band stays at the Roseland till Oct. 15.

Good press stunt by Bob Christenberry, managing director of the Hotel Astor, N. Y., are the invitations for Tommy Dorsey's opening atop the Astor Roof next May 19, 1941. The hotel renewed Dorsey after his closing Aug. 29. Ina Ray Hutton's band holds forth at the Astor concurrently.

Latest of the old tunes that mechanical companies have undertaken to revive is "Mickey" (Mills). The tune, rating as one of the top sheet sellers of all time, was published in 1918, shortly after Mack Sennett had released his picture of the same name.

Bob Miller, president of the Music Publishers Contact Employees union, is mulling over the suggestion that he ask Sidney Kaye, v.p. of Broadcast Music, Inc., to take out a card, since Kaye has been making a practice of contacting band leaders. Kaye by profession is a lawyer.

Broadcast Music, Inc., claims that it disposed of 17,602 copies of "Practice Makes Perfect" for the week ending Sept. 7. Also 3,072 of "The Same Old Story" and 1,882 of "There I Go." The claimed sale of orchestrations on "Practice" for the same week was 995.

Jukebox S. A. Pays Big

Continued from page 1

nickels lost in this way even the worst lush seems to lose his enthusiasm for being abusive.

Couple hours spent with the operators in the Brooklyn outfit's headquarters—requests come in through a loudspeaker—revealed, however, that only a small minority of the jukebox patrons are anything but most polite. Majority are incredulous about the whole thing, as though they are not certain anyone is actually listening to them or that their request will be played, and doubt and surprise are reflected in their voices.

"Dedications"

More than anything else, widespread use of the device promises to provide an entirely new method for imparting to gal-friend, wife or rival every emotion from love to jealousy. Gimmick is that by inserting a dime in the slot instead of a nickel, the customer can have a number of dedications. Inasmuch as it is possible to get close up to the mike on the box and whisper, there's quite some surprise registered when Mazie Jitterbug hears through the loudspeaker that "She Went and Lost It at the Astor" is being played for her special benefit, courtesy of Joe Zilch.

Some of the sentiment caught anticipated:

"Tell Babe to keep away from Harry and play 'It's the Talk of the Town'."

Tell Ada Williams it's dedicated to her and I mean it. "I'm Getting Sentimental Over You."

Play for Blanche T. Get Along Without You Very Well."

"Tell Kate that Sammy says he'll never smile again if you don't smile at him and he says he's dedicating it to you."

"Tell Sally she's a bad shot with the machine gun and play anything by the Inkspots." (Many requests are as inexplicable to the operator as the dedications.)

About half of the tunes requested are "dedies," as the ops call them, and provide a handsome profit for the machine owners. Another angle is that for a quarter a dedication can be made over a machine in another taproom on the circuit. Still another device to Jimmy extra class out of the boxes is a list of "Classics" for which a dime is charged. Included in this category, for instance, is "Bugle Call Rag." No one seemed to know why.

About 600 tunes are listed on the front of each cabinet. Customers can ask for them either by name or number, the gals who dig 'em out before making the divvy and then the deal often is 35-65, small and to the location owner, instead of the usual 50-50.

Taproom and bar proprietors go for the smaller split, however, because novelty of the microphone system draws plenty more nickels than the old way, which makes things even, or better, financially.

It's also an attraction for the customers. At 10 p.m. on an ordinary Thursday this mugg found every bin in the Brooklyn central loaded with four to 10 records waiting to be played.

At least one out of 10 of the people who put nickels in the slot get mike right when the op replies "Selection, Please" to the signal caused by their coin. They forget what they want. And inasmuch as this uses up time during which someone else may be itching to stick a jit in the slot, the ops makes suggestions on tunes, which are almost always accepted.

Many of the less bashful lads ask the femme her name before telling what they want played. Thus each op builds up quite a clientele, which has caused a development something like this: "Hello, is that you Peggy?" "Yes, this is Peggy. You sound like Jim Smith, are you?" "No, this is Ed Jones. How are you, Peggy?" "I'm fine. Did you get home safely from Howard's tavern last night?" (Or some other personal comment if she knows anything about the guy). "Yes, I got home okay." "That's fine, what can I play for you?" "Play anything you like."

Ops' instructions are to make the conversation as interesting and yet as short as possible. "Tone of their voices is kept a lot less impersonal than that of the telephone company's pluggers after the initial Selection, Please." There's also no rule against a little freshness now and then, although how far to go must naturally be left to the op's good judgment.

Brooklyn outfit, which is run as a demonstrator by Jim Toman, distrib in the New York territory for Automatic Music Corp., has had pretty good luck in getting operators. It employs five gals chosen by the U. S. Unemployment Service. Older and married ones have proved able to handle their wits quicker in the

clutches and are generally more smooth than the kids.

How It Works

Most of the operators take shorthand, making notes of the dedications. This is important as sometimes there are up to 10 records to be played ahead of the last one requested. This is made possible in the A.M.I. system by use of double wiring, which allows conversation while the music is playing. In some other systems (about 27 manufacturers are working on them now), voices can only be tossed during intermission between recordings. Ops flick a dial regulating the sensitivity of the mike on the box and also the volume of their own mike. This makes it possible for them to hear requests spoken in moderately loud tones from 15 feet away from the box and to make themselves easily heard over the usual tavern's hubbub.

Ten jukeboxes and a switchboard with 10 outlets and 10 turntables are sold as a unit by all the manufacturers. They run, from \$3,750 to \$6,500 for the works. Any number of units can be operated from one office and use the same records. One op can handle two switchboards at a time. Hookup from central to box is by regular wire leased from the phone company. Cost of the connection varies with length, which limits locations to within a mile of headquarters, costs getting too high beyond that. It's a bonanza to the phone company, which gets an average of about 1 1/2¢ out of each nickel, dime or quarter dropped.

AMI, which calls its outfit "Singing Towers," has the juice on from 8 in the morning until 4 the next morning. One gal operates and one tends the turntables during the day, while two are required for the 10 turntables at night. There are only 10 spots in the hookup so far. Seeburg Co. has just devised a new combination instrument which contains records and works just like the old-fashioned jukebox during the day, when trade isn't brisk enough to merit an operator, but breaks into the central system in the evenings.

Juke distrib estimates that the central-station machines will never replace more than 10% of the old type as the new ones require spots doing right smart biz. They must take in a minimum of \$35 a week to make them pay a profit, while \$12 turns the trick very nicely in the old-fashioned way. Location owner gets a considerably smaller split than he does with ordinary machines, too, as the operators take \$10 out for expenses before making the divvy and then the deal often is 35-65, small and to the location owner, instead of the usual 50-50.

Taproom and bar proprietors go for the smaller split, however, because novelty of the microphone system draws plenty more nickels than the old way, which makes things even, or better, financially. It's also an attraction for the customers. At 10 p.m. on an ordinary Thursday this mugg found every bin in the Brooklyn central loaded with four to 10 records waiting to be played.

Band Bookings

Saxie Dowell, Sept. 13-14, private parties, Winston-Salem, N. C.; 16, Carolina theatre, Greenville, S. C.; 17, State theatre, Raleigh; 18-19, Kemp theatre, Spartanburg, S. C.

Duke Ellington, Oct. 11, U. of Minnesota, Minneapolis.

Slam Gaillard, Sept. 13, three weeks, Starn's Cafe, Philadelphia.

Sammy Kaye, Sept. 18, Sylvan Beach, Syracuse, N. Y.; 19, Hamd Park, Bellefonte, Pa.

George Hall, Sept. 13-14, Hamd's Million Dollar Pier, Atlantic City.

Jack Teagarden, Sept. 19, Met theatre, Boston.

Tito, Sept. 17, four weeks, Sir Francis Drake hotel, San Francisco.

Del Courtney, Sept. 14, Castle Farms, Cincinnati; 17-22, Tunetown B. St. Louis.

Al Donahue, Oct. 10, week, Flatbush theatre, Brooklyn; 17, Windsor, Bronx.

George Olsen, Sept. 29-Oct. 2, Strand theatre, Lansing, Mich.; 5, Aud. Flint, Mich.; 6-9, State theatre, Kalamazoo; 10-12, Michigan theatre, Jackson; 13-14, Michigan theatre, Ann Arbor; 17-19, Keith theatre, Grand Rapids.

Will Osborne, Oct. 3, Aud., Beatrice, Neb.; 4, U. of Wichita, Wichita, Kan.; 5, Palmor B., Kansas City, Mo.

Marcus Show's \$73,000 (Mex) Gross Phenomenal Takings in Mexico City

By ROBERT J. LANDRY

Mexico City, Sept. 10. A survey of entertainment activity in this chief city of the Mexican republic during the first week of September must note that at the moment the (a) still unclarified political situation, and (b) greatly diminished volume of American tourism are influencing factors of an unfavorable nature. The political situation's eventual approach to normalcy should bring the tourist trade back with a bang. If avoiding further messy incidents on the streets Mexico should have a good winter influx of Yankees. The latter are important to entertainment here, for at least to the elegant forms. Night spots in particular need them, not only for the extra cash expenditures they represent but because the tourist's presence is reassuring to conservative moneyed Mexicans who, while they may or may not care for American tourists as individual curiosities, recognize the tourist as a sign of probable peace and quiet.

American showmen must read these remarks bearing the difference in money values in mind, but not being misled by the apparent cheapness of admissions. If the A. B. Marcus show opens at six pesos top and resales to three pesos this is not dropping from \$1.25 to 60c. in the sense it reckons in Yankee coinage. The peso is a dollar here and three dollars is a big price for a ticket almost anywhere in the world. A night club check of \$20 Mexican may seem very reasonable to a tourist familiar with New York gyp, but the Mexican waiter will be obviously impressed and consider himself doing well when tipped at a rate a lordly Manhattan garçon would accept with an under-the-breath wisecrack or a sourpuss.

The following is a brief summation of present show business activity in Mexico City:

Stage Attractions

Palacio de Bellas Artes — A. B. Marcus Revue is concluding nine-week engagement at nice takings. In first big week, at \$6, the gross was \$73,000 (Mex) which is near-fabulous. This troupe was given the National theatre at terms never before (and perhaps never again) available to an American company. Marcus made four changes of bill for the nine weeks. Revue now goes to Havana.

Palacio meantime has a Spanish language repertory coming up under Fernando Wagner, the same producer who has through the summer offered five plays in English, including a spoof on tourism. A ballet company headed by Anna Sokolow will give performances Tuesdays and Fridays after Sept. 17 and through October. Carlos Chavez has been conducting the Mexican Symphony orchestra Friday evenings. Occasional performances of grand opera are given, the latest being 'Lucia' with Evangelina Medina.

'Folles Bergeres' (32) — This is the haven of the famous Mexican comedian, 'Cantinflas'. Like the Teatro Lirico the shows here are marked by an undercurrent of satire on politicians. This house was closed for some days not long ago because of official frowns at too-telling shadings of wit. Currently Mappy and Fernando Cortes are added attractions, coming in from Cuba; the soubrette via New York.

Lirico (\$2) — Roberto Soto and Amelia Wilhelm head the revue here. Weekly change of bill.

Arbeu (\$1.50) — Spanish drama dialogs twice nightly with Sylvia Villalaz and Luis Musset.

Farbregas (\$2) — La Condesa Maria twice nightly with Prudencia Griffel, famed throughout Latin America. Also Emma Alonso, Ma-

(Continued on page 38)

BERLE UNIT BOOKED FOR N. Y., NEWARK VAUDERS

Practically the same unit as the one opening next Thursday (19) at Loew's State, N.Y., accompanies Milton Berle to the Adams, Newark, Oct. 4 when he plays that week on percentage, 50-50 from the first dollar. He will have Bea Wain, Tommy Ricks and Betty Lou, 4 Stomp Bros. and the Stuart Morgan Dancers.

Berle reopens the Show of the Week on WOR (Howard Clothes) Sept. 29 with Vincent Lopez and Buddy Clark.

Bolger Told to Keep Off The Grass in Detroit

Detroit, Sept. 10.

Ray Bolger, appearing on the Michigan stage, tried to get Sunny O'Dea, also current here at the Club Royale and who was with him in 'Keep Off the Grass', to make it a doubleheader appearance at the theatre. But the nifty people nixed the idea.

It was pointed out Miss O'Dea had been extensively advertised at the Club Royale during her first week there, and the benefits of it should come back to them during her second week rather than to the theatre.

Talk Reopening Philly Mastbaum As a Vaudfilmer

Philadelphia, Sept. 10.

Stanley Warner execs are mulling reopening the chain's \$5,000,000 white elephant, the Mastbaum, as a possible showcase for vaude, now that the musicians union squabble had been ironed out. Orders were even given to house crews to put the big 5,000-seater in shape, but before any work was started the whole thing was called off and the idea relegated to the mothballs where it has reposed for the past six years.

Reason for the shelving was the fact that the Mastbaum has been a jinx because of its location. When it was built in the lush year of 1929, Philadelphians had visualized a 'Gay White Way' on the western end of Market street. Nearby was built the Erlanger, a legit house. But theatre-goers were unwilling to go that far from the beaten track and the project died a-borning.

In 1933 the late Samuel L. (Roxy) Rothafel tried to make it pay and failed. The house shuttered early in 1935 and was reopened only once since. That was for a one-shot concert by the Philly Orchestra's Concert for Youth last February.

A. B. Marcus Show Quits Mex City for Havana Date

Mexico City, Sept. 10.

A. B. Marcus, whose road show is doing terrific business at the Bellas Artes here, will round out the season locally next week and will shift operations to Cuba.

Slated to open at the Alcazar, Havana, Oct. 1, for 3 days and then head for South and Central America time.

Ruth Beck rejoined the A. B. Marcus show for the final four days of its local engagement at the Palacio de Bellas Artes. Showgirl spent most of the 10-week run of the revue in a Mexico City hospital, having contracted scarlet fever soon after arriving.

Revue left today (Tuesday) for a week in Pueblo, Mexico, and then ships to the Alcazar, Havana.

Sophia Alvarez, Mexican soubrette, joins the A. B. Marcus unit in Havana. She was with him in India.

Nils T. Granlund wanted Miss Alvarez for the U. S., but Marcus outbid him.

Jessel's Cafe Date

Cleveland, Sept. 10.

George Jessel goes into Ohio Villa Oct. 2 for two weeks under percentage deal set by Frank Sennes.

De luxe niterly has Peter Higgins heading-current bill which also consists of Chick and Lela, Clara and Hudson, Maurice Spitalny's band.

DET.'S MALE REVUES

Detroit, Sept. 10.

All-male revues, with which it ran for 32 weeks last season, will be resumed this fall by the downtown Club Frontenac, which has been shuttered for five weeks.

Reopening on Sept. 12, the niterly again will have Karyl Norman producing.

Quodbach Returns To Chicago Niterly Biz

Chicago, Sept. 10.

Al Quodbach, veteran niterly operator who has been out of the business for a few years, has returned to the nocturnal dine and dance biz, opening a new spot on the south side of town.

Joint is tagged the Casanova Casino.

Bill Miller Group Plans Vaude Operation, Unit Prod.; to Tour 'Streets'

Bill Miller, in association with the Messrs. Danziger, is again going in to vaude theatre operation this season along with producing units. They are leasing the Queensborough theatre, Astoria, L. I., and propose to open vaudeville there Oct. 17 on a four-day-a-week policy. House will be dark one day a week, while a nabe church will use it for bingo the other two days.

Miller will also tour 'Streets of Paris' as a picture house unit, probably making several cast changes after the show closes for Michael Todd at the Hall of Music, N. Y. World's Fair. Miller acquired the road rights to 'Streets' from the Shuberts after Todd nixed taking up his option.

Todd's deal with the Shuberts entailed \$15,000 for rights at the Fair, with Todd to pay another \$10,000 if he wanted to exercise his option to tour-the-production.

Miller plans to ask \$7,500 guarantee for 'Streets' in vaude, plus splits on gross overage.

PADULA DICKERS FOR POST AS GOV'T AIDE

Philadelphia, Sept. 10.

Arthur H. Padula, former operator of the Arcadia-International and the Anchorage, both class spots here that were shuttered recently—the first because of union trouble, the second because of delinquent federal taxes—is reported dickering with Government officials for the job of making a survey of hotel and restaurant facilities in the Canal Zone.

Padula, a veteran in restaurant operation, was approached by representatives of the Defense Commission, which is planning to bring a large number of workers to the Panama Canal area for the purpose of building added fortifications and increasing the defense forces there. Padula's services are being sought, according to reports, to line up enough housing and feeding facilities for the additional personnel.

Louis Handin Hurt In L. I. Auto Crash

Louis Handin, lawyer-president of the NVA, was severely injured in an auto crash on Long Island Sunday night (8). He's in French hospital, N. Y.

Handin's wife was driving their car home from Long Beach when it was sideswiped by another car. The Handin auto turned over several times, but Mrs. Handin escaped with only bruises.

Dart to Book Lyric, Indpls., From Chicago

Indianapolis, Sept. 10.

Kermit Dart, booked for the vaude film Lyric, moved to Chicago Thursday (12), where he will book the stage shows for the house. Dart feels that he will have a better chance to put shows together there from acts showing at loop theatres, and he plans to add other houses to his string. He will be accompanied by his wife Irene, who will help with production.

Bill McIlwain, formerly with Major Bowes, moves into the Lyric, where he will put the shows together locally under Dart's direction from Chicago. Charles Olson remains as house operator and will look after general supervision of stage fare.

Earl Vollmer, onetime manager of Castle Farm, Cincinnati, named aide to Maurice Cohen in operation of Palladium—ballroom, Hollywood opening Oct. 15.

Fist Fight Involving Philly's New AGVA Head Latest Episode In Union Wrangle

Al Rogers, Belle Dow To Operate Newark Mosque

Al Rogers, in association with Belle Dow, the indie booker, will operate the Mosque, Newark, as a vaude-filmer this season. House opens tomorrow (Thursday) with Ed Sullivan and the Harvest Moon Ball winners, plus double features, for four days.

Mosque, a 3,800-seater, is owned by the Prudential Insurance Co. It has long been a white elephant.

While Belle Dow is in on the operation, Rogers claims that he alone will book the shows.

WB, AFM End Row; Earle To Revive Vaude

Philadelphia, Sept. 10.

The 10-month-old squabble between the Stanley-Warner circuit and the Philly local of the American Federation of Musicians was ended last Wednesday (4) at a meeting in New York between James C. Petrillo, national AFM prexy, and Joseph Bernard, vice-president of the chain. The agreement, approved by the Philly local, is expected to go into effect before the end of the month, with indications that vaude will again grace the boards of the Earle, which has been on a straight film diet since the walkout last December.

Under the terms of the settlement the S-W circuit will buy \$92,500 worth of music for the year with an orchestra at the Earle and a band at the Stanley, Camden, during the playing of Sunday stage shows. (Live shows are banned in Philly; the acts playing the Earle do a Sabbath stint across the river.)

The figure agreed upon is about \$22,000 more than was spent for musicians by the S-W chain under the old contract. Before the (Continued on page 39)

Gainsworth Would Top Old Anchorage Reopening

Philadelphia, Sept. 10.

Marjorie Gainsworth, warbler, now appearing at the Versailles, New York, will head the show at the unshuttering—if and when—of the Park Casino, set for about Sept. 25. The spot is the former Anchorage, on the East River Drive in Fairmount Park, which folded two months ago after a raid by Treasury agents for delinquent social security taxes. It was purchased by a syndicate tabbed the Riverside Inn, Inc., including Harry Drob, former operator of the Club 21 here; Sam Ottenberg, who formerly ran the Club Seville, and Isabelle Hackett, wife of a city detective.

Drob is angling for a name band, possibly Xavier Cugat's crew, to play at the opening. Purchase of the Anchorage must get its final okay before a federal court-appointed referee at a hearing skedded Sept. 16.

Two of a Kind

Seattle, Sept. 10.

Twin of The Cave, Vancouver, B. C., night spot, opened with same name at Winnipeg, Manitoba, last week, booked by Joe Daniels out of Seattle. A. G. King owns both places, with Maxwell King, his son, managing the new spot.

Daniels also reports recent opening of Musical Gardens, Kellogg, Ida. Also in the Daniels night club circuit is the Oasis, Seattle.

COLUMBUS NITERLY REOPENS

Columbus, Sept. 10.

Century Room of the Neil House, number one supper club in city, reopens for season Sept. 19 with music by George Duffy.

Band is currently in another Dewitt hotel, the Hollenden, Cleveland.

Philadelphia, Sept. 10.

A stormy meeting enlivened by a fist fight in which a lady claimed she was bitten—the latest chapter in the hectic career of the Philly unit of the American Guild of Variety Artists.

The latest flareup happened last Thursday night (5) at the local AGVA offices in the Shubert building. Eight members of the local board held a meeting in which a resolution was passed denouncing the appointment of Lee Travers as executive secretary to succeed Thomas E. Kelly, who was bounced from the job two weeks ago by National AGVA Chief Hoyt Haddock. The board members also adopted a motion denouncing 'Communism, Nazism and Fascism.' Among those who met were Dick Jones, Joe Campo, Joe Burns, Mary Ella, Kili-Ban, Al Ray, Jack Spangle and Harry Lewis—all of them called 'Kelly henchmen' by Travers.

As soon as the meeting broke up the group, swelled by the addition of Lewis' wife, entered Travers' office and tried to oust him. A fight ensued. Travers, a husky gent who is the understander of an acre team, got in a couple of licks before the battle broke up. In the melee, Mrs. Lewis claimed Travers bit her and threatened to tear out a warrant against him. (At this writing he has not been arrested.)

Travers charged that Kelly, the deposed exec-secretary, was directing the procedure from an office across the hall. Travers also said that Kelly and his followers had been carrying on a 'picket line' outside the Shubert building dissuading actors from going to the AGVA offices. Despite this, Travers claimed, more than 50 new members have joined the organization since he took over the office last week.

Travers was first named national representative by Haddock. Last Wednesday he received the appointment of executive secretary from Haddock with instructions to disregard the actions of the local board. Travers said he would begin his campaign to sign closed shop contracts with niterly owners next week.

The local AGVA boss said he had intended to talk over contracts with the Cafe Owners Association, a group of niterly props formed last spring, but had been unable to get the body together. He will now tackle them all individually, he said.

No Decision on Kelly

No decision has been reached by the American Guild of Variety Artists national board regarding the status of Thomas Kelly, until recently executive-secretary of the union's Philadelphia local. He appeared before the board Monday (9) and is to do so again Friday (13). Committee including Dewey Barlo, AGVA president; Henry Dunn and several other national board members, will attend a meeting of the Philadelphia board Tuesday (17) and will issue a decision on the matter the following day.

Kelly was fired by Hoyt Haddock, AGVA national executive-secretary, on various charges after the Philly local board had given him a vote of confidence. He was to have defended himself against the charges at the Monday meeting of the national board, but had not received a copy of the charges as promised. Haddock explained the failure to send Kelly the copy as a misunderstanding on the part of office employees. After reading the charges Kelly has a right to consult the AGVA records in New York and Philadelphia, under supervision of an AGVA representative, to prepare his defense. He has agreed to abide by the national board's decision.

MILLER BAND TEES OFF VAUDE AT PROV. MET.

Providence, Sept. 10.

Glenn Miller band will inaugurate the name policy at the Metropolitan theatre here Friday (13). Spot was recently taken over by Associated Theatres, headed by A. A. Spitz and managed by Bill Brown. Screen fare will open with Monogram's 'Boys of the City.'

Matinee prices call for 28c balcony and 39c orchestra, with children 20c at all times. Evening prices are 35c-55c and 75c top for logs.

Unit Reviews

GEO. JESSEL UNIT

(MISSOURI, ST. LOUIS)

St. Louis, Sept. 6.

George Jessel, Rochelle Hudson, Jean Parker, Isabel Jewell, Steph Duna, Lya Lys, Jean Gary, Betty Jane Cooper, Mario Silva orch (18), 'Slightly Tempered' (U).

George Jessel's show, fresh from Hollywood, teed off in Pancheon & Marco's 4,000-seater in midtown, the first stop on a nation-wide trek. Comprised of a bevy of names and lookers from the screen, the 60-min. show demonstrates that these femmes have oomph and talent, and nicely-paced action kept the payees in the well-filled house interested throughout on opening day. Swell belly preceded opening and the Mill Harris-Howard Gould combo added a gimmick that was sock with localities. After each of the first two shows opening day (6) the stars were herded into the spacious lobby and tossed to the autograph hounds. Several thousand pictures of themselves, duly Hancocked, were distributed.

Show gets under way with the orchestra coming up and the tooters playing 'Give My Regards to Broadway'. Jessel follows with patter, touches on his marital affairs, etc. Lya Lys, a titan-haired glamazon with a foreign accent, warbles 'I Can't Remember His Name' after being the foil for some of Jessel's gags. Isabel Jewell, a really neat monolog, 'The Girl Behind the Lunch Counter'. Steffi Duna warbles 'La Cucaracha' with plenty of sock.

Jessel, who is on and off the boards constantly, again does his telephone routine, which renewed the palmy, pounding, Rochelle Hudson, in a shimmering white, skin-tight gown, won the mob with her singing of 'Too Marvelous for Words'. Jean Gary, who replaced Lois Andrews (Mrs. Jessel) with the troupe, does a swell eccentric tap tagged 'Sweet Swing'. Jean Parker and Jessel do a Scotch dialect burlesque of a scene taken from an imaginary talker she is supposed to have made in England. They wind up with some comedy biz.

Jessel interpolates 'Let There Be Love' with gobs of chatter and this paves the way for Betty Jane Cooper (Mrs. Jimmy Wallington), who

warbles a Hawaiian war dance tune and then does a hula dance in a shredded dress, etc. A comedy session involving Jessel and his entourage follows.

Management reports that take for the first two shows was approximately \$2,000, establishing a new house record. Jessel's contract calls for a 50-50 split from the first dollar.

Sahu.

SIM SALA BIM

(MOROSCO, N. Y.)

Magic show by Dante, with Moi Yo Miller and Her Mystery Girls; at the Morosco, N. Y., starting Sept. 9, 1940—\$2.75 top.

Dante, with his current magic show at the Morosco, New York legit house, is making his first appearance in the United States in 14 years. Formerly associated with Howard Thurston, Dante uses many of the illusions and transfigurations of that master and has toured them throughout the world. Born Harry A. Jansen in Copenhagen, Denmark, the magi uses a phrase in Danish, 'Sim Sala Bim', as the title for his exhibition. It means 'Thanks to you' and, despite its Scandinavian origin, is used with Oriental flavor by the magi much in the manner his more amateur brethren might use 'Hocus Pocus'. Fact it seems to work equally well.

Dante's opening Monday (9) night was a major event in the land of here-it-is-and-here-it-isn't. It drew amateurs and professionals alike from half way across the country. And the show talk flying about made the Morosco seem virtually a convention-ground. The usual first-night jitters was apparent during the performance, and some of the stunts suffered thereby. Audience reaction, however, was generally favorable.

Dante's two-hour session of legerdemain includes the whole gamut of sleight-of-hand, mechanical illusions and transformations. Many of them are standard stunts which scores of corner-nitery deceivers run off with greater aplomb and to better effect than achieved by Dante at this catching. A number of others are in the tradition of the great deceptions of the past and highly mystifying and entertaining.

As a full evening's entertainment, the magi has cut himself a huge slice but he does well almost all the way. For ordinary variety purposes, he is socko.

One of the toppers is 'transferring a girl by radio' from one copper-colored box to another. Gal, for perhaps a few seconds, can be seen in both boxes at the same time as she fades from one to the other. No intent is the placing of a long-haired guy in a barber chair to be shaved. The 'patron' and Dante, as the barber, are both masked. Masks are removed after the shave to find Dante in the chair and his 'customer' shaving him.

Producing of 25 or more glasses of beer, which are passed out to the audience, from an apparently empty

barrel is an ancient one but still is good for amusement. Near the finale is the transfer of Dante's femme assistant, Moi Yo Miller, from stage to a chest swinging from the dome of the theatre. There are a number of others that earn applause, chiefly of the substitution variety, the person the audience thinks is in a chest or under a robe being someone else.

With his pointed beard, suave chatter in perfect English and a good (if corny) sense of humor, Dante makes an imposing master of magic. Miss Miller is also quite an asset from the esthetic standpoint. Sets and props are numerous and satisfactory, although lacking the lavish glossiness of some other stage prestidigitators.

Herb.

U. S. FILES \$14,443 TAX LIEN ON COTTON CLUB

The U. S. Government has filed a tax lien in N. Y. federal court against the Cotton Club Management Corp. for \$14,443.

Of this amount \$12,864 the amount owed, the balance being for interest and penalties on the Cotton Club, colored Broadway nitery which folded some time ago and which was operated by the defendant corporation.

•15 YEARS AGO•

(FROM VARIETY)

For the first time in the history of German films, a film was booted off the screen in Berlin without even being finished. It was Douglas MacLean's 'Never Say Die' being considered particularly weak.

An international congress set for Berlin was to include representatives from 10 countries to discuss actors' rights.

George Gershwin was being negotiated for to do the score for Florence Mills' new show, 'Anna from Savannah', which A. H. Woods and Lew Leslie were to produce on Broadway.

Press notices were divided on the London debut of 'The Green Hat', starring Tallulah Bankhead. Gilbert Miller was making the presentation at the Adelphi in conjunction with Musical Plays, Inc.

'The Vortex', Noel Coward play, with the author in the lead role, made its American debut at the National theatre, Washington, and indications were that the play wouldn't achieve the same success in this country that it did in London.

Charles Ray's film outfit, Charles Ray Productions, Inc., went bankrupt on the Coast. Firm owed approximately \$200,000.

With Lon Chaney, Norman Kerry and Mary Philbin featured, 'The Phantom of the Opera' was THE horror film of horror films. Universal picture had its premiere at the Astor theatre on Broadway.

Corio Outstrips

Continued from page 3

leyo, just before the curtain, Miss Corio decided she would make an impression in the best Minsky tradition. She did—in a costume consisting of junior-size loin cloth and brown powder.

Result, in the offer's own words, was 'nothing short of sensational, and business was the same. Remind Vivien Leigh not to play Juliet anymore.'

'White Cargo' was Corio's second appearance in Cambridge in three weeks. First engagement was in 'The Barker' when the nearest she got to her 42d street, N. Y., style was a hula costume. Both dates were at Brattle Hall on the Harvard campus. This summer was the First Lady of Strip's initiation into the barns.

The femme from Scotland Yard who parked in the Corio dressing room caused her to dress up in a brassiere on Saturday, but Annie talked her out of it on Friday night 'after I told her I was insulted. Me, an actress!'

Copperess is reported to have required a stomach pump to get the powder out of her innards after the sojourn in the stripeuse's dressing cubicle. Annie, it is understood, splashed that brown powder on with more than the usual abandon. Lady cop also badly backed a shin in making a dive to put down the window shade when Corio started to undress.

Marcus

Continued from page 37

ruja Grifell, Amparo Grifell, Consuelo de Luna, Jose Cibrian, Jose Martinez, Alberto Catala.

Night Clubs

El Patio—Place-setter of the town in pretentious floor shows and elegance of management and clientele. Currently Regina and Shanley, Jenaro Salinas, Manuella Arreola, Mixteco Trio, Pepe Landeros Orchestra.

Cocanut Grove—Roofery of the renamed Waldorf (nee Diana) Hotel. Ramon and Florene, Columbian Trio, Kings of Jazz.

Tony's Tap Room—This is the nitery in the Hotel Reforma. Ana Maria Gonzalez, Adolp Girion orchestra current.

Rossignol—All-native floor show.

Film Houses

Alameda (\$2)—'Su Primer Beso' ('Her First Kiss') (French).

Balmori (\$1.50)—'Jamaica Inn' (UA).

Encanto (\$1.25)—'Scarface' (UA).

Iris (\$2)—'40 Little Mothers' (M-G).

Olympia (\$2)—'Honeymoon in Bali' (Par).

Palacio (\$2)—'Four Sons' (20th).

Regis (\$1.50)—'Werther' (French).

Earl Carroll Deal For Mex Girl Show Chills

Mexico City, Sept. 10. Negotiations for Earl Carroll to produce a girl show for Alameda, Mexico, with subsequent production as a film, has apparently chilled.

Producer wants \$5,000 in American money weekly, with a six-week guarantee.

Palumbo Buys Interest

In Philadelphia Cafe

Philadelphia, Sept. 10.

Frank Palumbo, Philly nitery operator, has purchased a half interest in the 20th Century Club here.

Palumbo, the owner of a nitery in the 'Little Italy' sector that has been in the family nearly 60 years, also operates the Renault Tavern, Atlantic City; a club in Wildwood, N. J., and one in Miami.

The Carroll brothers, operators of a West Philly nitery, have taken over the old Cotton Club in downtown Philly. They expect to reopen the spot, to be known as Carroll's, within the next couple of weeks.

Opening show will be headed by Eddie White.

Cross-Dunn's N. Y. Date

Cross and Dunn go back into the Versailles, New York nitery, tomorrow (Thursday) for one of their frequent appearances at this spot. Booking is for three weeks. Team played the summer season at the Meadowbrook, Saratoga.

What Variety says about—

PRINCE MENDES

THE ROYAL DECEIVER

★ ★ ★ ★ ★

ISSUE VARIETY, Aug. 14, 1940

PRINCE MENDES

Magician

Nitro Cafe, Pittsburgh

Young sleight-of-hand wiz can steal the heart of the wand-wavers. He's glib, casual and nicely-mannered; has neat bag of tricks and knows how to play them for maximum results. The stand-by card manipulations and chain cigarette stunt are, of course, part of 'Mendes' repertoire, as they are of almost everybody in the trade, but he has a flock of cuties of his own too. That one of pulling half a dozen ringing alarm clocks out of his high-wilk hat is a nifty and sets him up solidly with the crowd.

Mendes is also something of a

Borgen and his topser is a bit in which he calls upon somebody from the audience, instructing the willing along to make his move up and down whenever prodded in the back. Mendes then proceeds with a 'woman act' that's a howl and a socko climax to his turn. Gets across some embarrassing ones for uninitiated knee-dirt, but he does it so good-naturedly nobody takes any offense, particularly the victim.

Magician has a full, engaging line of patter and looks the part in his legendarian cape and tails.

Cohen.

bobby may

"Jugger" you know

now ohes patee, chicago

direction: sam branson—william morris agency

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MUSIC HALL, N. Y.

"Charms" produced by Florence Rogge, settings by Bruno Maino, and the Monte Carlo, featuring Hilda Eckler, Nicholas Daks, Raya Keen, Joseph Iastka, Jay and Lou Seiler, Joan McCracken, Dania Krupska, Robert Regent, and the RKO, reviewed in VARIETY, Aug. 24.

"Charms," three-part presentation, an imaginative and colorful revue, is keynoted by a mammoth replica of charms adorning midday's arms. The spotlight focuses on the three different ornaments as each sets off a different specialty. One charm is "The Green Goddess," next an Alpine motif; and finally the "conceit" where, in an audible monologue relates the boy-girl sequence.

Most impressive is the opening, with Hilda Eckler, Nicholas Daks dancing the crippled beggar, who suddenly is given back his vigor; Raya Keen as his daughter; and the ballet and male chorus for background. It's all very Tibet, and some of the terpsichorean eccentricities of that motif do not make the most aesthetic stage pictures. However, it's all quite in character, in keeping with the background. Maurice Baron has composed a very effective special setting; Albert Stillman did the special lyrics. "Finale," for the ballet, is the "conceit" where, by Denic-Helfetz, a wild crazed piece, given a somewhat swingeo treatment by the Rockettes, and very colorfully scored by Adolf Schind.

"Charms" is preceded by Johann Strauss' "Fledermaus," a Music Hall favorite, and rightly so, with Erno Rapee. Frank Norrish and Jules Silver as associate conductors.

The "Skit on Skits" second portion, by Jay and Lou Seiler, is a sock, as is usual with most sight acts at the mammoth Hall, comedy genre. Using elliptical skit-type runners as the fulcrum of their pantomime antics, they evolve plenty of laugh values from the acro-rhythmic routines in unison. "Weather Vane" finale has Joan McCracken and Dania Krupska as the boy and girl; Robert Regent as the talking moon; and the ballet. The Rockettes respectively personating "Rain" and "Fair."

Colman-Rogers film: "Lucky Partners" (RKO), drew well opening day, particularly heavy in the legs.

SHEA'S, BUFFALO

Jimmy Dorsey Orch. (14), Casa Daley, Trizie, Tip, Tap and Toe, Bob Eberle, Helen O'Connell, and Buddy Schatz, "Greatest" (Par).

The maestro is giving things away. Week before last Orrin Tucker and Bonnie Baker started it with autographed photos; this week, Jimmy Dorsey is handing out "souvenir pins" week after next, with Sammy Kaye, it's going to be batons. Maybe there's something prophetic about it. Like bingo.

The Dorsey orchestra is practically resting here for a week in between a couple of months of barnstorming. This live crew continues to dispense its recognized stock in trade. Double strong on the brass, and a gesture to the musical highbrows and caters with audible success to the bounce addicts. For the record, there was almost as much noise in front of the footlights as behind when caught.

The ensemble numbers 14, with four sax (besides Dorsey), three trombs, three tenors, guitar, bass and piano. Proceedings are governed for speed and the whole runoff is distinctly in the milieu of the dance bands.

The band's pace is well set with "Harvest Moon" and "John Silver" as openers. Dorsey swinging effectively on sax and clarinet. Buddy Schatz follows with "Buddy Schatz" on a drummed-up piece by mine highly pyrotechnic band shindies. Tip, Tap and Toe deliver their most unbelievable, precise tapping on a drummed-up piece by mine highly pyrotechnic band shindies. Slip, fancy toeing and anking earned them rousing returns.

Helen O'Connell and Bob Eberle have the band assignments. Both are subordinated to Mack, this being the first organization heard here to deliberately play down the vocals in favor of brass interludes by the crew. The band during their numbers relinquish the mike for long stretches in favor of the band. Miss O'Connell relies more on stylism than tone. She drew loud response with "Step by Step," a Memory," followed by "Juke Box Jive." All of Me, with the maestro's sax obbligato broadly interspersed; and finally, aided by heavy voice participation, tied up the proceedings with "Boogie-It." Dorsey brought her back for "Madame La Zouza," by far her best offering. Eberle's personable baritone of "Where Was I When You Were Born" "Breeze and I" was marred by too slow rendition and overblasting the

mike. His encore Bonnie Baker imitation seems corny. Schatz's pushover "Man and His Drum" proves him the shoutingest skin-beater heard here. If they could salvage the boy's lingo, which is lost in the hulla-balloo, it would probably be as good as his beating. The band, mostly by the horns, and featuring Nat Lubowsky's trombone, Trizie is a cute femme juggler and ball-bouncer whose offering is summed up in her billing. Casa Daley is spotted next to closing. Last seen here a year ago with Sammy Kaye, eccentric comedienne's contortions are much more in the groove for this outfit. If any thing, time is louder and rougher than ever. However, her style was meat for the early-bird jitterbugs and she was swayed with such smacking salvos that she was finally forced to beg off.

Attendance at second show opening day (6) was somewhat slim.

ADAMS, NEWARK

Newark, Sept. 7. Andrews Sisters (3), Joe Venuti Orch. (14), and Kay Star, "Tracy and Kay Star," Al Norman, Harry King and Arline; "Girl from God's Country" (Rep).

Second fall show into the Adams is streamlined for the rug-cutters. Top honors on the bill are divided between Joe Venuti's swing band and the stand-out Andrews Sisters. The Venuti boys remain on stage throughout, giving Joe Fecher's pit orchestra a rest this week.

Venuti shows new judgment in mixing in his band of hot numbers. He keeps things moving briskly and does a good job of selling.

His two vocalists do okay for themselves. Don Darcy comes on first and clicks with a swingeo version of "Home on the Range." He manages to get a note of satire into his songs that is not lost in the singing. Later, Kay Star has an equally good session with the jitterbugs.

Bunny Berigan, trumpeter, has a personal field day. He used to pilot his own orchestra hereabouts and has his own special following. Until recently he was with Tommy Dorsey.

A different number by the entire band is a clambake in which nine different tunes are put together into a cakewalk.

Harry King and Arline score off off-hand, free-and-easy tap routines. They garner their full share of applause both singly and in duo.

Al Norman gives imitations, gags briefly before a mike and then steps out with a comic dance, contrasting the old-fashioned soldier's march with the modern jitterbugging antics.

The Andrews Sisters are on last and when they leave the stage fairly they are in the house with a collective pocket. Their artful styling makes even "The Beer Barrel Polka" seem like a brand new number. Two songs the crowd seemed to favor with more whistling approval than others were "Rhubarb" and "Hit the Road," both from their new Universal flicker, "Argentine Nights." His m.c. niche to intro the weekly when show was caught. Kent.

TOWER, K. C.

Kansas City, Sept. 7. Mirth and Mack, Della Carroll, Fido Gordon, Shirley and Carole Bridges, Barbara Kelly, Lester Harding, House line, Herb Six house band, "Pier 13" (20th).

Stage bill this week, "Crazy Show," is held up to 40 minutes and entertainment value is somewhat less than over past couple of shows, mostly because of Mirth and Mack and Della Carroll.

Fastest bit of the show is contributed by Mirth and Mack's regular terps trip, including impressions of the Marx brothers and Jimmy Durante. Lester Harding gets his first music act in several weeks. Mirth and Mack's regular terps trip, including impressions of the Marx brothers and Jimmy Durante. Lester Harding gets his first music act in several weeks.

Herb Six band is called on for one of its frequent medleys and gives out in trio of tunes carrying "Crazy" titles. Harding adds his bit vocalizing "Crazy Moon" and all is built up to line's midshow number. Girls are on for line of changes with a flourish and roses to softshoe and waltz to round of "Rose" tunes.

Center of show is given over to Mirth and Mack's regular terps trip, including impressions of the Marx brothers and Jimmy Durante. Lester Harding gets his first music act in several weeks. Mirth and Mack's regular terps trip, including impressions of the Marx brothers and Jimmy Durante. Lester Harding gets his first music act in several weeks.

Juve Barbara Kelly warbles "When I'm Eyes A-Smiling" in a deep throat, a second number. Final standard act is Fido Gordon with his trick violin and assorted ways of playing it. Gordon himself is good for line of changes with a flourish and roses to softshoe and waltz to round of "Rose" tunes.

Final is given to the girls in natty red-white-and-blue costumes and in line of changes with a flourish and roses to softshoe and waltz to round of "Rose" tunes.

STRAND, N. Y.

Larry Clinton Orch. (15) with Helen Sothorn, Terry Allen, Jimmy Currie, John Coy, Goodrich and Nelson, Sue Ryan; "No Time for Comedy," reviewed in current issue of VARIETY.

Comparatively short stage show supports the film version of "No Time for Comedy," the hit which occupied a Broadway legit spot about 50 minutes ago. Running about 50 minutes, the setup clicks off as a fair enough session topped by the Larry Clinton band, an outfit that can easily be labelled the best of the arranger-musicians ever fronted.

With the exception of the Clinton band's musical contributions, however, the rest of the show lacks real solid punch. The band, in fact, is a full house, opening night (Friday) found it so, but it slides to a finish without much happening.

Clinton's writing of "Toselli's Serenade," one of his best, is a real knockout. It is followed by an exceptionally good arrangement of "Breeze and I." Terry Allen vocals the latter white sax and muted trumpet leads alternate down from the top, responding immediately with the inevitable "I'll Never Smile Again."

Johnny Coy, from the recent Broadway legit musical, "Keep On the Move," is a real knockout. He gets it strong enough to override his efforts. Routines are well planned, set to various tempos, and smoothly executed. Goodrich and Nelson, balance team, run through the usual list of difficult stunts, offering nothing that's particularly outstanding, but getting off to a good response.

Sue Ryan's an unusual and effective comedy turn. Using comical body contortions and face-making, she comes up with socko material on various subjects. Her routine is a real knockout. She gets it strong enough to override his efforts. Routines are well planned, set to various tempos, and smoothly executed. Goodrich and Nelson, balance team, run through the usual list of difficult stunts, offering nothing that's particularly outstanding, but getting off to a good response.

Between Coy and the Goodrich and Nelson team, Clinton's band gets in its heaviest inning. Leader reprises a number of the tunes he has written, beginning with the rhythmic "Dipsy Doodle." Back to back, he harks back to New Year's Eve of 1938, when the song was popular, then the band runs through a chorus of "As Was on the Radio," a radio program that night. First is a hot version from Harlem, one in Hawaiian tempo, another in Chinese.

On to rhumba, and tizzy, finishing with Clinton's own, it's a real knockout. Resurrecting "Dipsy" leads into more of the leader's past hits, including "My Reverie" and "Our Love with a Song." vocal part, sung by Helen Sothorn. The band snaps back into her proper style, however, on the following rhythm arrangement of "When Swallows Come Back to Cap Cod." Jimmy Currie, trombonist, gets in a comedy piece involving "Night and Day" and "Well, Allright." Gets giggles aplenty, particularly with the latter. Helen Sothorn, who has Clinton handles intros, but he's inclined to rush 'em too much.

STRAND, SYRACUSE

Syracuse, Sept. 8. Collins and Peterson, "Three Olympics," Wynn, Brock and Ames; Ted Lester, Myron Levee House Orch; "Three Faces West," "Laughing at Danger" (Mono).

They've done it so long that how they retain their spontaneity and enthusiasm is a mystery, but the fact remains that Collins and Peterson are the nearest thing to a two-man "Hellszapoppin'" show to hit the local scene since the "Bobcats" and "The Pansies" came along. They keep working as dual emcees, they keep the current Strand offering moving fast, produce plenty of laughs on their own hook and make the audience receptive to the other turns.

More adept material is all paired need to show their comedy for full of the one-man act. They keep especially when he starts dishing out his doubletalk to latecomers in the audience, is a highlight.

Wynn, Brock and Ames, two men and a girl, play the curtain and their swingtime terps routine is just fresh enough to register well. Ted Lester follows with his own version of the one-man act. He keeps pulling musical instruments from beneath his satin-lined cape and displays neat talent on such a variety as the flute, violin, saxophone, cornet and guitar. He also plays a balloon and then a duet on the violin and mandolin simultaneously.

The Four Marshalls, two girls and two boys, play a medley of harmony group, clearly showing the influence. Their "Ohio," "I'll Never Smile Again," "I Am an American" and the Little Rock are ably done with pop and a dash of swing. The Three Olympics, roller-skating

ing turn, provide a neat closing turn. The rest of the show is a small set in the middle of the stage and combine some neat acrobatics with their roller skit.

Myron Levee does okay with the house orchestra, which works on the stage to back the layout.

Biz okay. Soft.

KEITH'S BOSTON

Boston, Sept. 5. Glenn Miller Orch. (17) with Ray Eberle and Marion Hutton; Tommy Trent, Bertie Bros. (3); "Margie" (U).

As a followup of Lucky Miller last week, the Glenn Miller outfit sounds tame in comparison, although the hefty attendance on opening day is a good indication that he has bigger following. Musical and technically, the sweet-swinging Miller band is aces.

With the exception of Marion Hutton, the vocalists, and Maurice Purtill, the rough-tongued drummer, there's a decided paucity of pep. Numbers like "Sunrise Serenade," "Daddy Boy" and the Ray Eberle vocals of "Nearest to You" and "Never Smile Again" plus the lazy daisy leading by Miller seem to overcome, in retrospect, the more exciting stuff derived from "Tiger Rag" and "The Best Band Number on the List."

Boys really swing it for Miss Hutton in "Boogie It" and "Rhumba Jumps." She gives a welcome contrast to the slow-moving of Eberle, but each vocalist drew extra bows when caught.

Berry Brothers, hot, dizzy colored hoofers speed up the show in the session of wild spills and heated struts, dressed up with cane tossing and some clowning.

Tommy Trent, puppeteer, clicks during his encore with the jitterbug dolls.

On the debit side, Miller acts too blasé to his eager audience and has too much blue lighting on the show. On the credit side, he never blows the spot, except for a bit of a trombone solo, and delivers some of the sweetest music in the world for radio or dance hall consumption.

LYRIC, INDPLS.

Indianapolis, Sept. 7. "Bowery Follies" with Duncan Sisters, Four Clovers, Jack LaVerne & Co., Ward and Milford, Joe Wallace, Sandra Miller, Mel Hall and the Floradora Girls (12); "Pier 13" (20th).

Nick Boila has brought to town this week the best of his "Bowery Follies," carrying out the flavor and spirit of entertainment in the Gay '90s. Decorations are carried out in the motif of the gas-lit era, and all the performers are costumed in styles of the periods, with enough handkerchief mustaches on stage to stuff a full-size mattress. The fact that the box office is light is a reflection on the entertainment value of the show. Cab Calloway orch competition at opposition house is pulling down the take. Ordinarily this show, playing local, would be good for an additional \$5,000.

Show opens with Joe Wallace singing a series of oldies, adagioing the via sides. Six of the line come out for a can-can number, joined by the other six in Floradora outfits. Four Clovers, dressed as bartenders, come out from the mahogany on set to combine a nickel-terboogie with a Have auld shoulder stands and flip into chair held on shoulders of one of the performers.

Sandra Miller won a nice response with her rendition of a medley of her favorites. Mel Hall performs expertly on a unicycle. Gets a few laughs with his comedy antics and nice rendition of "Laughing at Danger" on his shoulders, operating the pedals with his hands.

Heaviest mitt-winners at this show were Ward and Milford, who mix has singing, piano playing and comedy. Girls sing "Waltz Me Around Again, Willie," straight, and the rest of the act is directed strictly at the ribs. Man imitates barroom piano and also does vocal imitation of different band instruments in a duo of "Mountain Music." Finish with burlesque of an opera.

Followed by Jack LaVerne and his "Man on the Trapezoid" act. La Vere has been here before, and his turn is always entertaining. Gets his laughs by pretense of ineptly with a horizontal bar, balancing himself on a rocking chair and winding up with fall ending.

Line returns in boy and girl costume for a "Birdy" act. Routine. Girls are nice looking and can handle their hoofs.

Twenty-four minutes of running time is consumed by the Duncan Sisters, who sing a medley of songs, including their Topsy and Eva harmonies and funmaking. Include several of their own songs, such as "Remembering," "Side by Side," "Never Had a Love Like This One Before," a patriotic composition called "Let's Not Go Over There." Adlibbing some political gags, they ride in on a few handclaps for Willie, a local boy. Line drops a number in period costumes for finish, and entire company comes on to wind up long 74-minute running time. Biz fair at third show Friday (6). Kiley.

STATE, N. Y.

Harvest Moon Ball dance winners with Ed Sullivan; Benny Fields; Three Swifts; Andy Hardy Meets Debutante (M-G).

Ed Sullivan's pet trick, the Harvest Moon ballroom hoofers nurtured by the N. Y. Daily News, an annual event, is holding over for a second week, and with good reason. In addition, the feature picture is changed and two more acts inserted, making a show that lasts an hour and 15 minutes. Opening (Thursday) business was better than the starting day last week.

Real feature of the bill is Benny Fields. Crack crooner of pop melodies is in rare form, belting at the mike for nearly half an hour in the closing spot. "Got to Have My Walking Stick," his standard starting number, is just a warm-up for "Never Smile Again." Fields has something to say about "I'll Never Smile Again." Your Minstrel Man to Washington." It was concocted by four different tunesmiths and is really a medley, composed of various tunes, ending being worked into the number. He's also warbling "Six Lessons from Miss La Zouza." "I Am an American" gets plenty response, and then his "Lullaby of Broadway" rings all the bells.

Fields refers to his former pianist as having been with him for 21 years. Charles Thorpe, who accompanied the warbler that long, pulled the "bobby" music, which was asked to play a benefit down in Miami Beach last winter. Fields paid him the \$25 demanded and then gave him a ticket home. Pianist used to be a local phenomenon in Zwerling's house orchestra, and serves just as well as a special man at the ivory.

Sullivan, the most dapper of columnist-m.c.s., does his stuff smoothly and efficiently. His dance teams are all that is claimed. Frank, Blondie, Florentine, Stutz and Alex Alexander, the all-around champs, have the class of professionals. Their footrotting something to watch, and the girl is a real knockout. She has a trick of moving her head towards the audience at every whir. Team won an encore and so did Jack and Helen Sylvester, who were in the tango, at this catching. There again the girl draws the eyes. In both instances this is somewhat unusual, for as a rule it is the male end of the ballroom team who has the most goot. The lindyhoopers are again the wof of the act, supplying comedy. Only other comedy on the bill comes from the Three Swifts, masters of club-swinging and throwing. Ibee.

GOLDEN GATE, S. F.

San Francisco, Sept. 4. Nicholas Bros., Gaynor and Ross, Three Waltons, Franklin D'Amore, Jim Ash, Peggy O'Neill Girls, Charles Walters Orch; "Lucky Partners" (RKO).

House is selling the picture this week, vaude being light on names albeit carrying its full share of the entertainment load. As socko with the customers as anything seen of late are the Nicholas brothers, pair of dusky hoofers who know how to sell. Plethora of girls, too, are particularly in smaller half of team, who whacks out a couple of songs, including "Want My Mama" in the original Portuguese, for smash results. Girls is usually a crowd puller, but they deliver as though they meant it, and customers respond accordingly.

Echo of last year's "Follies Bergere" at local level is Franklin D'Amore, who cavorts with femme partner perched on his noggin. Comes on in hobo rig, totting sack from which gal is dumped, also garbed as bum. Chap has phenomenal strength and sells various strong-arm lifts for all they're worth.

Gals generally get tossed about this week, opener being the Three Waltons, femme and two male partners. As prelude to this act, house line appears on rollers in plenty neat routine worked out by Peggy O'Neill. Line also handles conga flash earlier.

Local contributions are Jim Ash, winner of NBC Walker amateur show on NBC. Guy trembled like falling leaf at show caught, but makes okay appearance and has nice voice, which is a fine find for a spot with the band. Tramp piano, xylophone and string band step down from Charles Kaley's orch to do specially this week with nice results.

Wern.

APOLLO, N. Y.

Pirates Den in Los Angeles going in for name bands and floor talent.

Marshall Montgomery takes it next, walking out with four-foot dummy in white tie and tails and sitting at downstage table for ventriloquist turn. Patter is weak and holding hand in front of mouth is too obvious, but making dummy sing while boss smokes and sips cocktail plus deadpan belches, sporing and finally, working dummy into state of complete inebriation goes so far beyond usual-ventriloquistic stuff that he wound up too-long act to solid response. Entire line opens on up

\$60G Profit for Indiana Fair
Indianapolis, Sept. 10.
The Indiana State Fair ended
eight days Friday (6) with a \$60,-
000 profit.

By Broadway revue standards this "Rhapsody in Black" is frankly brutal, but obviously not even Leslie intends bringing it to Times Square. As an Apollo stageshow it's no better than average, but considering the lack of time for preparation and rehearsal, the dearth of top Negro talent and the manifold difficulties of production, it's a fairly creditable effort. Hobe.

Jaurez was a featured performer with the Rimacs act for several seasons; stepped out on her own only recently. She carries her own piano accompanist, Francisco Marti, who's a ringer for Nino Martini. As a single, she's a Mexicidex and should go places. Over big here and could have stuck around double her allotted time. **Cohen.**

B'way Still Okay, Aided by Weather; 'Kind Lady' Reopens to OK \$10,000; 'Purchase' Still Tops, 'Hellz' \$30,000

Estimates for Last Week
Key: C (comedy), D (drama), R (revue), M (musical), F (farce), O (operetta).

'DuBarry Was a Lady', 46th St. (40th week) (M-1,375; \$4.40). Business dropped off from the excellent pace of previous week but cool weather continues to favor the box-office takings here. \$10,000.

'Hellzapoppin', Winter Garden (103rd week) (R-1,671; \$3.30). Got goodly share of business though somewhat under level of pre-Labor Day going; around \$30,000 in nine days.

'Hold On to Your Hats', Shubert (M-1,405; \$4.40). Presented by Al Johnson and George Hale with former starred; very well regarded out of town; opens tonight (Wednesday), premiere being \$3.50 top.

'Jupiter Laugh', Baltimore (D-991; \$3.30). Presented by Bernard Klavans for Warners; written by Dr. A. J. Cronin; emanates from England; opened Monday.

'Life With Father', Empire (44th week) (C-1,095; \$3.30). Not materially off from previous week; attendance capacity after first night of last week and rated close to \$16,000.

'Louisiana Purchase', Imperial (15th week) (M-1,450; \$4.40). Getting more than credited with; for second consecutive week the gross topped \$34,000; still biggest thing in town.

'Man Who Came to Dinner', Music Box (47th week) (C-1,102; \$3.30). Held to goodly takings and with few straight plays in sight should show well into fall period; around \$16,000.

'Separate Rooms', Plymouth (24th week) (C-1,107; \$3.30). Another laugh show that should stick for some time; approximated \$2,500 which means very good profit.

'There Shall Be No Night', Alvin (D-1,434; \$3.30). Resumed Monday (9) after playing 15 weeks through spring; is slated to play another eight weeks before touring; last season's outstanding drama.

'Tobacco Road', Forrest (279th week) (C-1,107; \$1.10). Still undecided about staying but will play as long as operating profit is earned; around \$5,000.

REVIVAL

'Kind Lady', Playhouse (1st week) (C-1,065; \$3.30). Opened Tuesday (3) of last week and attendance first seven times indicated it will tally; nearly \$10,000.

ADDED

'Sim Sala Bim', Morocco (939; \$2.75). Harry A. Jensen, who has presented magic shows abroad, entered legit list Monday (9) with similar type of performance; in addition to his odd balling, there are girls in the performance.

Harrington, Hyers Set For DeSylva Musical; From Club 18 to Legit

Pat Harrington and Frankie Hyers of Club 18 N. Y., have been signed for a new Broadway musical being read by Buddy DeSylva. It is the third time that one or more of the night spot's trio of adlibbers have gone into legit. Last season, Harrington, also known as the troubadour of the West Side, was in 'Ladies and Gentlemen' (Helen Hayes), while Jack White stepped into 'I Must Love Someone,' which had a succession of femme leads and comics.

'Hattie,' which stars Ethel Merman, hits the road for tryouts before coming to the 46th Street to succeed 'Du Barry Was a Lady,' and White is already carrying the torch for his fellow cracksters. It will be the legit lighter for Hyers, former vaudevillean, but during rehearsals DeSylva is said to have expressed satisfaction over his finds, especially in scenes with Rags Ragland, another newcomer to musical comedy, although he was in the 'Follies' at the San Francisco Fair last season. Ragland is from Burlington.

One evening last week, 21-year-old Arnold Grayson, who is seven feet, two inches high and weighs 300 pounds net, walked into the 18 and all but broke up the performance. The trio climbed all over the kid, who went to Clemson college and admits he was disappointed because they wouldn't let him play quarterback. Grayson was in 'The Little Dog Laughed,' playing the part of a giant. Show only lasted two weeks and after he joined Equity found he owed himself money.

Shows in Rehearsal

'The Big Story'—Gilbert Miller.
'Panama Hattie'—Buddy De Sylva.
'Journey to Jerusalem'—Playwrights.
'George Washington Slept Here'—Sam H. Harris.
'Life With Father' (Boston Co.)—Oscar Serlin.
'Autumn Crocus' (road)—Frank McCoy.
Gilbert and Sullivan Rep.—Herman Levin.

Coast British Players Net \$14,000 For Relief

Hollywood, Sept. 10. British war relief entered into its sixth week with Noel Coward's 'Tonight at 8:30' plays at El Capitan, final week for the current setup. Coward's 'Revue' comes in under same auspices Sept. 20. Relief fund was benefited last week to tune of approximately \$13,000.

'Meet the People' continues to attract fair patronage to Music Box theatre to which it recently moved.

WYNN MUSICAL \$14,000 IN 1ST 5 HUB SHOWINGS

Boston, Sept. 10. Ed Wynn's 'Boys and Girls Together' really got the lid off the legit season this year when it premiered Wednesday (4) night. For the first five performances it tallied nearly \$14,000, with increasing interest after rave notices.

'Johnny Belinda' opened last night (Monday) at the Wilbur with Harry Wagstaff Gribble presenting the new Elmer-Harris play, already sampled in summer theatre.

'Skylark, Split-Wk. 9 1/2'
Portland, Ore., Sept. 10. Gertrude Lawrence took the town by storm last week in 'Skylark.' Three nights and one matinee at the Mayfair. (Sept. 2, 3, 4) grossing \$9,500.

Miss Lawrence spent much of her spare time working for the British War Relief.

'GIRLS' SMASH 18G IN CHI OPENING

Chicago, Sept. 10. Business was great over the Labor Day weekend, but then slipped off towards the end of the session. George Abbott got a great break on the getaway of 'Too Many Girls' with its opening on Saturday (31) getting away big. Show is ticketed to stay around through the month, with 'Meet the People' due into the Grand from the Coast Oct. 6.

Selwyn relighted last night (Monday) with 'Male Animal.' The Harris will get going on Sept. 30 with 'Ladies in Retirement' as the first of the American Theatre Society subscription series.

'Life With Father' continues brilliantly at the Blackstone.

Estimates for Last Week
'Life With Father', Blackstone (29th week) (1,200; \$2.75). Came through in great style again, though somewhat off at nearly \$16,000.

'Too Many Girls', Grand (1st week) (1,300; \$3.30). On eight-day first night got \$18,000, most of it over the Labor Day weekend.

Inside Stuff—Legit

Through her personal manager, Ina Claire has cleared up several details in connection with her summer stock appearances in 'Biography.' When she appeared at Matineux, R. I., star was out for one performance and salary deduction was made, management taking out one-eighth instead of one-tenth; 10 performances are permissible in stock. Claim was filed through Equity and \$25 was collected for Miss Claire, that being the overage on the deduction.

When Miss Claire's representative called at Equity, he asked that she be paid the fare between New York and Maplewood, N. J., where she recently appeared. It was a matter of 70c. Ordinarily she would not have given such a minor item any attention, but it was allowable under the rules. Maplewood management stated that Miss Claire received \$1,500 for her appearance there in 'Biography' and did not consider the small amount of the fare was worth the star's attention. She made the trip daily to and fro in her car. Five members of the company received an allowance of 55c, cost of a day's round trip, the larger amount being for a week's round-trip ticket.

A leading candidate for the role of the dancer in 'Time of Your Life' when William Saroyan play reopens on Broadway prior to hitting the road is Fred Kelly, kid brother of Gene Kelly, who originated the part. Latter is unavailable this season, having already been signed by George Abbott for title assignment in 'Your Pal Joey.' Both Kellys hail from Pittsburgh, where they have operated a dance studio for years, and their careers have also run parallel. Gene, while an undergraduate at the U. of Pitt, starred in and staged the dances for several Cap and Gown shows. So did Fred a few years later. Older brother then went into and routined a Pittsburgh Playhouse revue in 1938, with Fred doing the same thing this season.

Younger Kelly is without previous acting experience and was merely suggested by Gene Theatre Guild officials and Eddie Dowling, who are said to be favorably impressed with youngster's ability. With 'Joy' rehearsals off until November, Gene Kelly meantime will direct dances for new Broadway version of 'Two Weeks With Pay.' He did a similar chore for musical when it was tried out at White Plains, N. Y., this summer.

When casting was being made for 'Something About a Soldier,' a William Saroyan play which was tried at New Hope, Pa., last week, Louis Calhern was suggested for a part. The tall actor had something to say about that. He asked what the play was about, and when he was apprised, declined to appear, venturing the opinion that the story was 'too cockeyed.' Play drew mixed opinions, but may reach Broadway during the season. Calhern is to play the male lead in the Boston company of 'Life With Father,' which first plays Baltimore, due there Sept. 23.

There is a play going the rounds, central character of which is said to be based on Saroyan as an individual. It is called 'Five Alarm Waltz,' those who read the script saying it has distinctly lurid dialog.

Will of attorney Max D. Steuer, who recently died, was filed for probate last week when it was revealed that he had created a trust fund of \$5,000,000 for his widow and children. She receives \$5,000 monthly, while the others get \$2,000 monthly each. One son is Aaron Steuer, justice of the N. Y. supreme court.

Steuer knew any number of people in the stage and managerial ranks, and because of his fondness for the profession, it was expected that he would make a bequest to the Actors Fund. Few if any charities were mentioned in the will. He evidently depended on the widow to take care of such benefactions. Steuer figured in some theatrical cases, but his fee was usually so large that most of his practice was in other fields. One of his closest friends on Broadway was A. H. Woods.

'Lady After Dark,' the Moss Hart-Kurt Weill-Tra Gershwyn play with music, starring Gertrude Lawrence, will cost over \$100,000 to mount and will entail at least six weeks' rehearsals, because of the weighty production. Sam Harris is presenting but reported that Hart is putting up almost all of the bankroll. Show is due to start rehearsing Dec. 1, which means the planned Dec. 24 premiere in Boston will be set back until after the first of the year.

LOSES 2 MOTIONS ON PLAY RIGHTS' BREACH

Hollywood Plays, Inc., was the loser in two breach of contract motions decided Wednesday (4) by N. Y. supreme court justice Peter M. Schmuck. Winner of the preliminaries was Selwyn & Co., plaintiff. Motions deny the request of Hollywood Plays to grant it summary judgment, finding triable issues in the complaint, and orders the examination before trial of Joseph J. Schwebel, president of Hollywood Plays, on Sept. 12.

Complaint alleges that on June 2, 1915, Selwyn entered into a contract with Avery Hopgood whereby it was to receive 50% of the net royalties received from the film sales of the play, 'Fair and Warmer,' whose original rights are held by the defendant. It is claimed that Hollywood Plays is the successor to Hopgood, and that the film rights had been sold to a German company for \$6,500 several years ago. Half that sum is asked by the plaintiff. The defendant's answer consists of a general denial and a counter-claim. This asserts that in another contract entered into with Hopgood the latter was to receive 60% of any film sale on the play 'Our Little Wife,' which it is asserted, was sold between 1919 and 1922 to the Goldwyn Picture Corp. for \$2,500. One-half of that sum plus interest is sought.

JOLSON - 'HATS' SMASH 32G IN PHILLY

Philadelphia, Sept. 10. Although legit biz and prospects of continued big business are dim, Philly has already lapsed into the open-a-week, shut-a-week class that has characterized it for the last several seasons. Reason is that most managers are apparently afraid of actual tryouts here.

Al Jolson's 'Hold on to Your Hats' did two highly satisfactory weeks at the Forrest, smash \$32,000 for last, but preferred hopping immediately to Broadway in view of its current show shortage to holding for a third here. Accordingly house was dark this week, relighting with Ed Wynn's 'Boys and Girls Together' next Monday night (16). The Wynn musical piece plays two weeks and makes room for 'The Philadelphia Story,' Katharine Hepburn vehicle which did two capacity weeks at start of its career two years ago at the now-funct Chestnut Street Opera House, will only play a single week on return.

The Locust relighted last night (Monday) with the new 'Pins and Needles' revue, which has a two-week date.

BERLIN-DESYLVA PLAN PLAY AS B'WAY MUSICAL

Irving Berlin and B. G. DeSylva have bought for fall production on Broadway, through Audrey Wood of the Leibling-Wood Agency, play titled 'Ring of the Virgin,' which they plan to make into a musical. Authors are Steve Bekissi and Andrea Solt.

Current Roadshows

(Week of Sept. 9)

'Boys and Girls Together' (Ed Wynn)—Shubert, Boston.
'Johnny Belinda'—Wilbur, Boston.
'Ladies in Retirement' (Flora Robson)—Curran, San Francisco.
'Life With Father' (Lillian Gish, Percy Warram)—Blackstone, Chicago.
'Little Foxes' (Tallulah Bankhead)—McCartier, Princeton (14).
'Male Animal' (Elliot Nugent)—Selwyn, Chicago.
'Man Came to Dinner' (Clifton Webb)—Cass, Detroit.
'Meet the People'—Garry, San Francisco.
'Mullatto'—Windsor, Bronx, N. Y.
'Pins and Needles'—Locust, Philadelphia.
'Skylark' (Gertrude Lawrence)—Auditorium, Denver (9-10); Arcadia, Wichita (12); Municipal auditorium, Kansas City (13-14).
'Tobacco Road' (John Barton)—Majestic, Brooklyn.
'Too Many Girls'—Grand Opera House, Chicago.

LATEST START IN YEARS FOR PITTSBURGH

Pittsburgh, Sept. 10. Looks like the latest legit start here in years this season, with nothing definitely set until Nov. 4, when 'Too Many Girls' is booked for the Nixon. However, Harry Brown, house's veteran manager, expects something before that, although not until mid-October at least.

Nixon has in the past always swung into action around the middle of September, usually with a tryout, but few new shows are being tested so far and there's a scarcity of touring attractions, too, making prospects pretty dark. Even the American Theatre Society is facing difficulties with 'Ladies in Retirement,' previously announced, closing tour prematurely, leaving no Pittsburgh date.

Brown left for New York over the weekend to confer with United Booking Office and hopes to slip in a couple of October shows before what he hopes will be the start of a ready barrage the following month. That has been closed now since first week in May.

'Road' Returns to St. Louis

St. Louis, Sept. 10.

Two-week stand of 'Tobacco Road,' which has been here seven times previously, will usher in the legit season at the American theatre Sunday (22). Official opening of the season for the Playgoers of St. Louis, civic body formed to guarantee profitable runs of New York shows, will be Oct. 6, when 'Too Many Girls' will open for one week. Other pieces sketched for local showing are 'Skylark,' 'Little Foxes' and an extended run of 'The Man Who Came to Dinner.'

Tentative bookings for November include 'The Fifth Column,' 'The Philadelphia Story,' 'The Male Animal,' 'Time of Your Life,' Paul Beaman, manager of the American, also expects to present 'Life With Father,' 'Hellzapoppin,' 'There Shall Be No Night,' 'DuBarry Was a Lady,' a new edition of 'Pins and Needles,' 'Shanghai Gesture,' 'Louisiana Purchase,' 'Lady in Waiting' and 'Separate Rooms.' Playgoers start next season with 800 members and drive is continuing for a total of 1,500.

Control of N. Y. Lyceum With 5 Others Realizes Diehl's Long-Time Wish

The reconditioning and acquisition of the Lyceum, N. Y., is the realization of a stagehand's dream. For five years Otto Diehl, chief electrician for Sam H. Harris, eyed the theatre as an attractive realty proposition in addition to its advantageous location east of Broadway on West 45th street. When Harris and a coterie of authors and managers, plus Diehl, finally obtained possession of the property, it was regarded by insiders as a unique transaction.

Diehl was associated with the late Spencer Bettelheim, assistant treasurer of Harris' Music Box on the next block, in operating the Lyceum. They had the house under lease with varying success for about three years. Bettelheim suicided in his office on the 46th street side of the building after destroying all personal records. No explanation was ever satisfactorily given for the deed, for he was comfortably fixed financially.

But while the lease on the house was allowed to expire, Diehl persisted in his original idea that the theatre was a good realty investment. He interested Harris, who formed a group to join in buying the property, others being George S. Kaufman, Moss Hart, Marcus Heiman and Max Gordon. Diehl also has an interest but retains his post backstage at the Music Box with 'The Man Who Came to Dinner.'

Financial end of the deal did not involve a large sum comparatively. Lyceum was purchased for \$23,000, bank holding a mortgage of \$200,000. Around \$35,000 was spent on decorating and for interior changes, so that the total expenditure was \$58,000. Previous asking price for the property was \$245,000, while the assessed valuation is considerably higher.

SHOW DEARTH ON B'WAY

Barnyard Echoes

The vagaries of summer stock are numerous, some strange, some stories emanating from the sticks.

One of the laughable events happened at Long Beach, L. I., where shows were acted in the open air at the boxing arena, sans settings, the actors playing to audience from four sides. Rain cancelled a performance of 'Sailor Beware,' but the management's attempt to deduct one-tenth of the salaries was nixed by Equity.

It rained the next evening, too, and the front of the house decided to make the actors appear anyway. One play went on with one actor shielding himself with an umbrella. An actress worked with newspaper over her head. Frances Comstock of the cast sat on a wet divan and red dye came on her light coat. She filed a claim for \$30 and the management paid off, cost now being on exhibition at Equity's office.

Another claim over a small amount concerned the appearance of an actress in 'Our Town,' played in a number of hideaways. She itemized a bill for \$5.25 for purchasing a veil and other accessories for the part of the bride, but later she made out another bill that amounted to \$6.10. Both were turned over to Equity, but while there was a dispute over the disparity, the larger sum was paid the actress.

Touring Package Show Experiment N.G. at Strawhat B.O. This Summer; Names' Pay Demands a Major Beef

Package touring shows, tried for the first time, the strawhat circuit this summer, were generally regarded as an unsuccessful experiment, at least for the majority of theatre managements. They proved a profitable arrangement for the stars involved, however.

Trouble in most cases was that the expense involved was too steep for the hayloft theatres. In addition to salaries and various other outlays included in the package price, the booking of such shows involved paying off members of the resident strawhat companies. Letter merely sat around without working.

Nut for the average touring package show was \$2,500 to \$3,500. That didn't allow enough margin for the theatres, most of which have limited seating capacity and, at strawhat scales, could gross a maximum of only about \$4,000. Spots with large seating capacities, say of 700 or more, reported making nice profits on the package shows. But few strawhats have capacities of more than 400 or 500 seats.

Of all the package presentations, Tallulah Bankhead in 'The Second Mrs. Tanqueray' is reported to have drawn the biggest grosses. Other touring units included Ethel Barrymore in 'School for Scandal,' Jane Cowl in 'Captain Brassbound's Con-

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'COLUMN' RETURN OFF; TONE SETTLES PACT

Resumed date of 'The Fifth Column' on Broadway and a projected tour have been cancelled by the Theatre Guild. The Theatre Guild explains that Franchot Tone, who headed the cast, made a financial arrangement with the Guild whereby by his contract was also cancelled. War drama had a fair Broadway engagement last season, opening at the Alvin, N. Y., and moving to the Broadhurst, date ending when Tone contracted a throat ailment, according to reports.

It was figured that the withdrawal of 'Column' and the closing of 'Ladies in Retirement' might embarrass the Guild.

Its out-of-town subscription schedule, but the situation is virtually cleared. 'Ladies,' after a Broadway run, was presented by Gilbert Miller and was recently sent to the Coast to start a tour that would include the Guild subscription dates. English meller got a good Coast press but little business and Miller ordered it off.

Guild has since secured the road rights to 'Ladies' and it will play the subscription time at least. There are only several cities which are contracted to get six attractions from the Guild per season and understood that its out-of-town commitments have now been arranged for.

QUALITY PLAY NEED STRESSED

Musicals, With Jolson-Hats, Wynn-Boys and Girls' Leading Click Prospects, Have Distinct Edge Over Straight Presentations—Production Slowly Developing—'Worthwhile' Scripts Stir Controversy Among Managers

'WEATHER A FACTOR

Broadway's new season is on, with musical shows again having a distinct edge over straight shows so far as advance click chances are figured. Production activity is but slowly developing and the anticipation of a more-active September has failed to materialize. Looks fairly definite that 'Hold On to Your Hats' and 'Boys and Girls Together,' both musicals, will be the first standouts of the fall. They bring back Al Jolson and Ed Wynn, respectively. There are no definite plans for current musicals leaving town.

One of the most experienced showmen emphasizes that the paucity of worthwhile scripts is the principal factor in delaying presentations.

Some seasons' back producers were active during the summer, not only with new shows but road companies, but the road has declined to such a degree that it is far less important than heretofore. Broadway used to be alive with actors during summer. Nowadays they hibernate in the sticks in summer stocks, waiting calls from agents.

Quality Scripts Controversy
Matter of quality in scripts is a controversial issue among managers. Some who carefully watch reports from play-readers are of the opinion that scripts going the rounds are better than ever. A few showmen have rigorous rules in considering production, and managers who aim for modest-cast production appear to be the most insistent com-

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2 SHUBERT MUSICALS SKEDDED FOR B'WAY

On the Shuberts' production schedule for this autumn are two musicals, 'Ziegfeld Follies' and 'The Gentleman in Dress-Clothes.' Both will be under the supervision of J. J. Shubert, indicating a change inside the Shubert office. Heretofore, 'Follies' was handled by Lee, with Harry Kaufman as general advisory and directional aide. 'Dress Clothes' has been mentioned by the outfit for some time. It has a South American locale.

Harry Revel has been engaged to compose the tunes for both productions. He will team with Mort Greene, also from the Coast, latter to contribute the lyrics.

Several plays tried in the strawhats are also being mullied by the Shuberts.

MANIPULATING THE CARDS

Raises Pinochle Point in I.A. Beef Reply

Because they had to work in the basement of the theatre to handle the maze of props for Dante's magic show, 'Sim Sala Bin,' the stagehands were beefing before the opening Monday night (9) at the Morosco, N. Y. Finally, a union delegate appeared and informed the magician he would have to hire another deck-hand.

Dante squelched the idea, however, by pointing out that the stagehands shouldn't mind working below stairs 'because they're nearer the pinochle game there.'

Restrictions on Ticket Sale Blamed By Big Ticket Agencies for \$10,000 Loss Annually in Recent Seasons

Dinehart 'Surprised'

At 200th for 'Rooms'

'Separate Rooms' will celebrate its 200th performance in New York to-night (Wednesday). Show, which opened at the Maxine Elliott, moved to the Mansfield and spanned the summer at the Plymouth. Commenting on the length of the engagement, Alan Dinehart, who is in on the show and plays a lead, piped: 'None are more surprised than we'—meaning the other players.

'Rooms' was called 'Thanks for My Wife' on the Coast.

Claims that the operation of big ticket agencies has become a hazardous business in recent seasons is supported by the fact that such enterprises are reportedly running upward of \$10,000 in the red annually. Restrictions placed on the sale of tickets handled by the brokers is blamed for the situation. The smaller agencies are able to make a net profit because of low overhead.

Another, and doubtless the principal reason why the large outfits have not been making coin, lies in the limited number of tickets they are able to obtain. There are too many agencies for the number of shows on Broadway even during the height of the season.

Must Maintain Staffs

Big agencies must maintain their staffs virtually all year round because of their many personal accounts and contacts. Big month of the season for the brokers is November, while business at the holidays and through the winter is usually quite profitable, but it is explained, the losses during the summer more than consume the mid-season net. Small agencies save in the matter of rent and most of them operate their own offices or stores, with small employe outlay.

The leading brokers have an operating surplus, which explains how the losses are taken care of, but they cannot continue indefinitely unless conditions and business improve. While a group is contesting the legality of the Mitchell law limiting premiums to 75c on tickets for all types of attractions, all are concerned over the result, which may not become final until ruled upon by the U. S. Supreme Court, where there is a precedent which ruled out limiting ticket prices. Sporting events, particularly, have an occasional source of excellent revenue for most agencies.

Leblang Shakeup

There was a shakeup in the Leblang-Postal ticket agency last week. Mrs. Tillie Leblang Jasie again becoming president. Widow of the ticket magnate held that post originally, but Matty Zimmerman had the presidency for about a year. Etta Leblang Samelson, a daughter, was made treasurer, which office was handled by Joey Keith, a nephew, for some years. Both Zimmerman and Keith remain as vice-presidents, former being general manager and the latter in charge of the premium ticket department.

It's understood that the changes were made at the direction of Solomon Fillen of the N. Y. State Banking Department, who is virtually the receiver of the Leblang agency. The late Joe Leblang headed the American Union Bank, now defunct. When the bank suspended he became liable for \$1,000,000, and that amount was saddled upon the estate, principal asset being the ticket agency. Had it not been for the bank's realty losses the Leblang agency would have had a surplus of \$2,000,000.

Changed setup of the agency was accompanied by the dismissal of three employes, but there were no salary reductions and all the experienced ticket sellers have been retained.

Dot Hall Back to B'way As 'Beverly Hills' Lead

Dorothy Hall is due back on Broadway this fall, being mentioned for lead in 'Beverly Hills,' which is to be presented by Otto L. Preminger. Others slated for the cast are Betty Lawford and Ethel Markey. Play is a comedy about Hollywood writers, authors, being Lynn Starling and Howard J. Green.

Miss Hall's last Main Stem appearance was in 'Behind Red Lights,' in which she was featured. Aldrich & Myers are believed to be silent partners in the 'Hills' presentation.

PRODUCERS AT ODDS, SNARL 'BANGTAILS'

Future activity of the Boyer Associates, new production group which tried out 'Bangtails' at Atlantic City recently, then called it in for repairs, appears to be in doubt. Internal dissension developed, when the show opened there, among most of the seven showmen in the group, which was formed by Ben Boyer, formerly general manager for Max Gordon.

Before the play opened it was realized that the script was in need of rewriting, but 'Bangtails' went on without the revisions. Understood that Henry Mirock and Sol Rosen, who wrote the comedy, not only failed to make the script changes, but declined to let anyone else work on it. Generally conceded that 'Bangtails' is a good piece of property provided revisions are made.

Dissatisfaction among the associates is indicated by the calling of a meeting almost every day last week, but none attended. As a result progress on getting the show on the boards again has been stymied. Understood the production and operating outlays represent around \$20,000.

Hugh O'Connell, who came from the Coast to play the lead in 'Bangtails,' will probably not appear in the cast should the comedy relight. He is mentioned for 'Second Helping,' in which Emil Friedlander, of Dazian's, is interested, along with another play or two. Friedlander is one of the Boyer group, but whether he will remain is not certain. Others are Max A. Cohen, T. B. McDonald, Rudolph Adler, Mac and Henry Weiss and Andrew Geoly.

'Grass' Return Looks Mowed Down for Good

'Keep Off the Grass,' which opened early in the summer, then suspended after playing to mild business for six weeks, appears to be cold. Revue was supposed to relight at the Broadhurst, N. Y., the middle of August. Date was then made indefinite, with the management claiming the delay was due to Jimmy Durante's indecision about returning from the Coast. Other name players are reported seeking other engagements, while choristers, who were under contract obtained releases and joined various musicals.

Broadhurst is definitely dated to house Ed Wynn's 'Boys and Girls Together,' due Oct. 1. Theatre is directly next to the Shubert, where Al Jolson in 'Hold on to Your Hats' opens tonight.

Cliff's Face Cut by Glass As Pop Bottle Explodes

Montgomery Cliff, juvenile in 'There Shall Be No Night,' at the Alvin, N. Y., received cuts about the face from glass splinters last week when a bottle of sodapop exploded as he was opening it. Accident occurred in Connecticut, where he was staying while the show layed off.

At first it was feared Cliff might not be able to go back into 'Night' when it reopened Monday night (9), but his injuries were not as serious as first thought.

EQUITY VOTES ON PAY BOOST, SUNDAYS

Equity this week took action on two questions that have long aroused agitation. Council voted yesterday (Tuesday) to boost the salary minimum to \$50 a week, and also passed along to the quarterly meeting Sept. 27 the matter of Sunday performances.

It was recommended that the Sunday performance issue be submitted to a referendum.

The \$50 minimum ruling becomes effective Dec. 1, all contracts as of that date being subject to the increased rate. Contracts under the old scale will remain before. Council also raised the initiation fee from \$50 to \$100, effective Dec. 1.

In referring the Sunday performance issue to the quarterly meeting the council recommended that the meeting submit the question to a referendum vote, and stated that the body would at that time recommend passage of the measure by the membership. Under the ruling proposed by the council, Sunday performances would be okayed in New York for a trial period, extending until next June 1. Both the raised minimum and the Sunday performance questions will be discussed in a meeting between council representatives and the League of New York Theatres tomorrow (Thursday).

Brentano Sets Picture People for B'way Play

Los Angeles, Sept. 10. Felix Brentano is town lining up film names for a Broadway showing of 'The Red Pencil,' stage play by Laszlo Fodor.

Brentano recently produced 'The Bartered Bride' at the Central City, Col., festival.

Play Out of Town

Boys And Girls Together

Boston, Sept. 4.

Revue presented by and starring Ed Wynn; featured The De Marcos, Jane Pickens and Dave Apollo; book, Ed Wynn and Pat C. Flinn; music, Sammy Fain; lyrics, Jack Yellen and Irving Kahal; photography, Albert Rasch; scenes designed and executed by Oden Waller; costumes designed by Irene Sharaf; choreography, Hans Solakis; additional arrangements, Russell Bennett; Ed Walker, musical director, John McManis; at Shubert theatre, Boston, Sept. 4, 40; \$3.50 top.

Principals: Lavette Bron, Phyllis Coit, Walter Long, Edna Sedgwick, Al Brack, The Six Witty, Conner, Jerry Cooper, Sally Craven, Dorothy Foster, Dot and Dick Remy, Lucienne and Ashour, Florence Foster, Alice Dory, Carolyn Marsh, Al Valenti, The Wynonaes Dancing Girls (17), The Cocktail Hour Girls (9).

This is a smash hit. Ed Wynn is at his best as the intimate m.c. steering a string of socko acts through three and a half hours of entertainment. The tough job will be cutting at least 30 minutes and speeding up the rest.

Most newsworthy is that 'Boys and Girls' reveals a new and better Ed Wynn. The 'Perfect Fool' has toned down for this revue. He's less 'foolish' and more funny. On opening night he was a laugh-a-minute with his seeming adlibbing and joshing about the show's minor mishaps. It's doubtful that he ever delivered a better performance. From the very opening when he steps out of a truck to explain that he's got a different show, he has 'em hanging onto every quip and gesture, until the barrage of curtain calls at the end.

Wynn pulls some nifties out of his bag of tricks, and the best is his playing a piano (custom-built on a tricycle gear) with Jane Pickens singing out of a truck while Wynn pedals the rig back and forth in rhythm to her song. In another scene he goes in for hokum trick shooting and the draping of showgirls in fabrics. And there are plenty more clever comedy touches that will delight the old and new Wynn fans.

Costumes by Irene Sharaf and sets by Oden Waller get gasps all the way and give the show a richness and class that have not been seen here in many a season. Choreography by Albertina Rasch is also something to talk about, and the number that will stir the most gab is her very smart and novel idea of combining all types of dancing which run simultaneously in a satire on a Broadway rehearsal hall.

The DeMarcos, a rare sight in these parts, stop everything whenever they appear—and they dance often, in a gamut of moods and routines, each a model of perfection in grace and skill.

Miss Pickens sells her songs in clicko manner and also proves herself an able trouper with Wynn in the incidental funny biz he weaves into the introduction. 'Tschakowsky' shows off her voice in classical passages, as does an operatic comedy paraphrasing of 'Liable to Catch On'. Her swingy tune is 'Catsup on the Moon', one of the better songs of the show. Best bet is 'I Want to Live', sung by Jerry Cooper, who also duets with Miss Pickens in 'Such Stuff as Dreams Are Made Of'. The finale number, 'The Sun Will Be Up in the Morning', sounds catchy.

Dave Apollo, topbilled with Miss Pickens and the DeMarcos, was lost at the preem in bit of vodka huffing in the first act, but showed up in the second stanza for a flock of bows on his mandolin playing.

Wynn draws a well and witty on vaude talent and that is one big reason why 'Boys and Girls' should stay together for a long run. The

LaVarre brothers sock over early in slow, comical risley which ultimately involves Wynn in a goofy twist-up. Lucienne and Ashour wham with their Apache turn. Dick and Dot Remy, comedy acro duo, click in scene with their star.

The Six Witty, not seen around here before, display some group precision juggling that should make for good word-of-mouth. These troupe, tossing clubs and hoops, this troupe adds novelty to the work by acrobatic embellishments. Two pairs of jugglers, double-mounted with the groundmen perched on ladders, fire away at each other with clubs for their flashiest trick.

Sally Craven, toe-dancer, and Walter Long, smooth, fast tapper, stand out among the specialists. Edna Sedgwick, tapper, and Florence Foster, toe-kick, also show well in several numbers.

Other solo singers are Phyllis Coit, who introduces 'Litterbug' with the Young Folks and 'Liable to Catch On', and Carolyn Marsh, who does 'The Latin in Me'.

Future producers of revues may take a tip from Wynn and forget the blackouts which today rarely bat well. Clean comedy and ace variety talent are nifty substitutes, as shown here.

In one of his stints Wynn clipped off a sample of a stair carpet and tossed it into the audience to prove the quality of the merchandise used in the show.

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Best bet is 'I Want to Live', sung by Jerry Cooper, who also duets with Miss Pickens in 'Such Stuff as Dreams Are Made Of'. The finale number, 'The Sun Will Be Up in the Morning', sounds catchy.

Dave Apollo, topbilled with Miss Pickens and the DeMarcos, was lost at the preem in bit of vodka huffing in the first act, but showed up in the second stanza for a flock of bows on his mandolin playing.

Wynn draws a well and witty on vaude talent and that is one big reason why 'Boys and Girls' should stay together for a long run. The

LaVarre brothers sock over early in slow, comical risley which ultimately involves Wynn in a goofy twist-up. Lucienne and Ashour wham with their Apache turn. Dick and Dot Remy, comedy acro duo, click in scene with their star.

The Six Witty, not seen around here before, display some group precision juggling that should make for good word-of-mouth. These troupe, tossing clubs and hoops, this troupe adds novelty to the work by acrobatic embellishments. Two pairs of jugglers, double-mounted with the groundmen perched on ladders, fire away at each other with clubs for their flashiest trick.

Sally Craven, toe-dancer, and Walter Long, smooth, fast tapper, stand out among the specialists. Edna Sedgwick, tapper, and Florence Foster, toe-kick, also show well in several numbers.

Other solo singers are Phyllis Coit, who introduces 'Litterbug' with the Young Folks and 'Liable to Catch On', and Carolyn Marsh, who does 'The Latin in Me'.

Future producers of revues may take a tip from Wynn and forget the blackouts which today rarely bat well. Clean comedy and ace variety talent are nifty substitutes, as shown here.

In one of his stints Wynn clipped off a sample of a stair carpet and tossed it into the audience to prove the quality of the merchandise used in the show.

medical missionaries who knew Mary can be successful.

It is claimed that the script read better than it played, but that is open to a difference of opinion. There are medical terms with which the average playgoer is unfamiliar, especially in the first half of the play. At times, too, the actors seemed to mouth their words.

Fairly good cast is seen, with Alexander Knox and Jessica Tandy playing Venner and Mary, the leads. Miss Tandy, whose work in 'The White Steed' gained attention on Broadway, makes Mary the only appealing character in the play. Knox, a Canadian, better known in London than New York, gives a rather authentic reading of the young scientist.

Edith Meiser is very good as the sombre matron. Charles Jordan, as a salesman for a medical product house, is amusing in a small part. Ronald Maxon is likeable as an elderly doctor who sometimes utters sage remarks. Nancy Sheridan as the wife and Philip Tonge as her doctor husband are the best of the others. —Doe.

B'way Dearth

Continued from page 43

plaintains. Ideal presentation is a one-scene, small-cast play, but few shows of that type have clicked in recent seasons. Biggest majority of scripts call for more than one setting and are written for fairly large casts.

Weather has been one of the most important angles in delaying the start of the legit season. The record cool of August, holding over into early September, was unforeseen, but has been a real break for the few shows that played through the season.

It's contended that Broadway has rarely had as few as seven shows in late August, which is the case this year. One manager claims no such condition has existed for more than 25 years. He blames it on the playwrights principally. Whatever the reason it is noted that for once Hollywood is not mentioned as blamable, although authors who turned out hits are still on the Coast lists.

No More Gun-Beating

Most managers who used to beat the Labor Day gun by opening in August have ceased to do so for one thing the theatre crowds are scarce in the city during the month, while visitors are too weary to attend shows that have no reputations. They know what they want to see before coming to New York. In addition, August and early-September have been the worst months for a virtual succession of flops and it would appear that producers are more wary of showing their wares during a period when the chances are least advantageous.

The season 1940-41 opened last week with revival, William A. Brady offering Grace George (Mrs. Brady) to a generally favorable press and fairly good attendance. The veteran argues that other showmen will follow his lead by staging other revivals. He is one who believes there is a greater dearth of good material than ever before. Brady points out that a worthwhile new play was not even discovered for Helen Hays, who is to appear soon in 'Twelfth Night' with Maurice Evans co-starring.

Season is really feeling off this week with the \$8.80 debut of 'Hats' at the Shubert and the opening of 'Jupiter Laughs', Baltimore, while 'There Shall Be No Night' re-ignites at the Alvin. Added to a maric show, 'Sim Bala Bin', which opened at the Morocco.

The manager-author-production setups are not said to have much more material than producers who say that likely material is not at hand, but whether that is correct will be evident by November, when the season should have reached its stride.

Legit Cues

Stanley Richards and Martin Clarke are completing a new musical comedy, 'Here and There a Star', Richards, a press agent, is doing the book and lyrics, while Clarke, a ranger for Harry James' band, is composed the score. Clarke recently completed a straight comedy, 'Quantity Beach'.

Lyn Murray will do the choral arrangements for 'Panama Hattie', it's his first legit show since 'Swing in the Dream'. He does the choral arranging for the Lucky Strike 'Hit Parade' and composes the background scores for 'Elleary Queen'.

Elmer Kenyon out ahead of Philadelphia Story tour,

Package Shows N. G.

Continued from page 43

version) and Grace George in 'Kind Lady'.

Grosses Below Expectations

With grosses far below expectations over much of the cowbird circuit, the theatre operators were wringing their hands for several other reasons. Complaint of many of the managements was of excessive salary demands of name players. Explained that whereas in former years stars were willing to do summer theatre appearances for nominal salary, real names this summer generally demanded guarantees of \$1,000 week and a percentage of the gross.

Managers admit they themselves are to blame for the condition because they built up the straw-best 'star system' and educated audiences to demand names. But they now assert that the big time salary demands of the name players have eaten up the chance of making a profit. Several of the managers explain that they wouldn't mind gambling with the stars—either giving the salary or taking a percentage. But they claim that with the name players refusing to gamble, insisting on both a guarantee and percentage, the management has only an outside chance of making a profit.

Guest Policy Skids

Several of the established theatres which operated on a guest-star policy had unsuccessful seasons, while other spots, either with or without stars, showed up as well or, in some cases, even better than usual. That has lead several straw-hatters to declare they intend trying to do without names next season. Figured the principal requirement for success with a non-name policy is to build up a draw gradually on the basis of smooth all-around performance. Also, establish the regular members of the resident company as personalities with a local following. Admitted that is tough to do, frequently taking several seasons of painstaking work. But it has been proved to offer the best chance of making a substantial profit over a period of years.

Conn. Barnyard Season

Generally a B.O. Washout

Hartford, Conn., Sept. 10. Waning barnyard season has been pretty much a financial washout in Connecticut. In addition to hardships of bad weather, inability to get a sufficient number of top b.o. names and general apathy of potential audiences, there were two new houses this year to siphon off part of the take in this already over-theated territory.

How thin the grosses had to be spread is evident from the fact that there were 15 houses operating along and nearby the Connecticut shore of Long Island Sound, plus three in nearby Westchester county, N. Y. This gives the area probably one of the largest number of houses in any area in the country of similar size and population. It's estimated to be at least twice over-seated.

New houses are at Stamford and Indian Neck, Bramford, both drawing from the New Haven and Bridgeport territory. Others depending on the same audience are at Westport, Milford, Stony Creek, Guilford, Clinton and Ivoryton, although those from Stony Creek to Ivoryton get some trade from Hartford. In the Hartford territory proper are Litchfield, Ridgefield (two theatres), Bolton, Salisbury, Canton and Suffield. Within drawing distance in Westchester are houses at Mt. Kisco, Pawling and White Plains.

Diets Next Year

Despite the financial shellacking taken by most of the barns, it is fully expected that at least the same number, and perhaps more, will be at it again next year. In most cases they are angled by dilettantes. The intimacy of the whole operation is more enticing than the commercialism of the Big Bright Way. There seem to have just as many visitors from New York summering along the shore this year as in the past but a survey of managers reveals that far fewer were attending the barns this season. As one operator, burned at the cheap productions being staged by some of his competition, put it: 'Apparently they've wised up to the strawhats.' First-class film pictures were said by the operators to be the only b.o. draw that could absolutely be depended upon, and these were more difficult to get than ever before.

Secondary film names meant virtually nothing, it was said, while legit toppers sometimes clicked and sometimes didn't. Although Tabulah Bankhead was surefire, Ethel Barrymore was in-and-out. And when one of the Connecticut henhouses had a first-class attraction, all the others suffered.

Frequency with which the barn theatres change hands also has hurt them. So successful house of the lot in Connecticut is Ivoryton, which has been operated for 11 consecutive years by Milton Stiel.

Legit Followup

'There Shall Be No Night' Instead of becoming dated and losing its impact as the events it depicts are crowded into the background by current headlines, 'There Shall Be No Night' is frequently at the theatre with the immediate concussion of a bomb. At the Alvin, N. Y., where it reopened Monday night (7) after several weeks' layoff, it left the audience stunned, speechless, and limp. The Robert E. Sherwood drama was overpowering when it opened last spring, but with the battle of London ringing in every spectator's ear, the play gave an exhausting emotional experience.

The performance has certainly lost none of its edge. First few scenes seemed to slide hurriedly played and the audience giggles frequently at the comedy touches. But as the powerful second act rolls across the footlights it engulfs the audience with emotion and gives them on hysteria. Alfred Lunt's and Lynn Fontanne's performances, on a steadily rising intensity, are unquestionably the finest of their brilliant careers. The play gives them a new hope to see in a lifetime of playing. Richard Whorf, Sydney Greenstreet and the entire company play with irresistible conviction. It left the audience with a sense of play will surely have a similar result when 'Night' goes on tour, as it's scheduled to do after eight weeks. In occasional cases, not repelled and shocked by the show's emotional impact, it will at least have an increasing effect on public sentiment in the U. S. —Hobe.

'Louisiana Purchase'

Currently in its fourth month at the Imperial, N. Y., this Irving Berlin-Morrie Ryskind musical continues to draw stanzas of most performance—as deservedly so. The principals do little clowning, and in the case of Victor Moore, actually seem even surer than at the opening. Score has also grown familiar via radio, several of the tunes having developed into hits.

Vera Zorina's dancing retains its crisp grace and, although she breaks up occasionally, her generally distinctive way of reading lines gives them intriguing values. Billy Gaxton's playing is even broader than before, most of his lines being punched home from downstage center, but he continues to supply drive to the whole show. Irene Bordoni retains her skill at putting over a song, and Carol Bruce also continues to build up her reputation as a vocalist. Dolan's handling of the orchestra is notable. Costumes have been kept in fresh condition. Entire production shows first-rate handling by G. De Sylva, the presenter. —Hobe.

Broadway

Mack Miller back to the Coast.
Harry Archer sold his house at Westport.
May Astor in from Hollywood for a vacation.
Owen Davis, Sr., dropped 50 pounds during the summer.
Larry Anhalt press agenting 'Jupiter' at the Biltmore.
The Courtenay club, 370 Fifth avenue, is in involuntary bankruptcy.
Mrs. Michel and Taube caring for very ill Fred Perry at Polyclinic.
Arthur Swanson hibernating in country at work on a straight play.
Harrison Forman clipped to Manila on a news photo-reporting hunch.
Fred Ellis joined staff of Harry Wagstaff Gribble, who producing 'Johnny Belinda'.
Sally Rand did a one-time shot at RKO Keith's theatre, White Plains, last night (Tues.).
Clint Gage, Milton Berle carries a pad, pencil and gag-finders, but he can't typewrite.
Harry M. Bessey, Albee Corp. treasurer, back to N. Y. after six weeks on the Coast.
Josie Heather will appear in the stock showing of 'Autumn Crocus' at Toronto next week.
Fred Block and Lew Cantor opening the Vanity bridge club on upper Broadway Saturday (14).
Waldorf, on 50th, in the Radio City sector, which tried it with reissues for a season, now has a fight at the Ann Southern arrived in New York over the week-end after completing her role in Metro's 'Dulcy'.
Jerry Sertano, blind Brooklyn comedian, attracting attention at Pat Haggerty's grill, Long Beach.
Hattie Silverman's fan mail, following her recent radio bit, consisted of touch letters.
Helma White confined to hotel with sprained back and multiple bruises, as result of taxi accident.
Bob O'Donnell interested in Jimmy Webb, who won the night fight at Madison Square Garden Friday (6).
Mike Todd is knocking the doors of ASCAP. He has written the lyrics to a tune titled 'Juke-Box Serenade'.
Bill Norton, in white tux, and Charles Harris, in one of blue, vying for title of best dressed manager on 48th street.
Louis Verneuil, French dramatist now in New York, has a new play commitment for the Shuberts. Irvin Marks set the deal.
George Owen and Tony Parker leave for the York Club W. 52d in a managerial and entertaining capacity on Friday the 13th.
Mr. and Mrs. David O. Selznick and their two kids have moved from their Connecticut summer home and are wigwagging at the Waldorf.
Robert Stoltz composing a new musical for the Shuberts, to Rowland Leigh's book, based on 'The Night, the Night, the Night' old Hungarian play.
Lucille Ball, who interrupted her p.a. tour with Maureen O'Hara for a visit to N. Y. over the weekend, was guest of honor at the Fair Monday (9).
James Barton leaving Long Island home for Hollywood and Par's forthcoming 'Shepherd of the Hills' with his wife. Slated to return in three months.
Friends of the late O. O. McIntyre, including several notable, made pilgrimage to the York Club on 52d St. O. recently. Will Hays delivered a memorial address.
Lou Lipton, Monogram's ad and pub head, who left for the Coast Monday (9), was entertained by the AMPAS at a luncheon held at Toots Shor's restaurant Friday (6).
Old Villa Vallec on East 60th becomes the Copacabana, under Monte Prosser's direction, at an east side South American nightery. Clark Robinson presently redecorating it.
Ben Higgins, ex-European film head for 20th-Fox, locating permanently in a N. Y. apartment, now that his Hollywood holiday is over. Bill Morgan, his Paris aide, just returned from abroad.
Leon & Eddie's Sunday night (28) 'guests' will be of a nature which Milton Berle has devised. Berle's mother will officiate as greeter at the door and the comedian will introduce Leon Barker making a salad, Eddie Davis entertaining, etc.

Baltimore

By Howard A. Burman

Gayety being opened for touring burley shows.
Julie Markoff and Max Goodman reopening the Two O'clock Club.
Top Gruver okaying plans for new picture house in Glenburnie nearby.
Swann family closing Hilltop tavern venture, planning move to Broadway.
Laurie Garman and Chaucery Wolf building new nabe to be labeled The Uptown.
Furnell Gould and Alfred G. Vanderbilt judges at Timonium Fair Farm Beauty Contest.
Holmes Alexander quitting job on State Movie Censor Board to devote time exclusively to writing.
Bill Hicks up to his ears in remodeling the 'Blue Bird' and, in addition, which will emerge as a one-

room, 1,000-seat, downtown suburban run.
Phil Lampkin's new tune, 'Shmukkie', getting considerable local plugging; ditto for Ben Cantor's 'I Do Mean You', which he wrote with Jimmie Fidler.

South Africa

By H. Hanson

Signs of coming summer around. German-produced pictos taboo here. Entertainment tax set for increase in South Africa.
African Consolidated Theatres War Funds Concert at Alhambra, Cape Town, drew smash biz.
Temporary suspension of air mail service between England and South Africa is affecting delivery of up-to-date news. But what does come along gets a great welcome.
"Rebecca" (UA) pulled big biz at 20th Century Cinema, Johannesburg.
"Irene" (RKO) drew big business at Colosseum, Cape Town (African Cons. Theatres).

Fair's 15,000,000

Continued from page 1

Aquacade showed to about 128,000 during the three-day Labor Day weekend as compared with 72,000 at the 'American Jubilee'. 'Cade was able to show this starting figure by selling standing room to crowds which swamped its facilities. 'Cade's best seven-day period last week as result of this large attendance. Winter Wonderland, operated under fair control this year, collected \$5,000 for the Labor Day weekend despite the low admission and grind policy.

Addition of Eugene and Willie Howard has bolstered the comedy end of 'Streets of Paris' at the Hall of Music and given credit for upping the attraction to its most profitable place since opening weeks. There also has been a healthy upbeat at Gay New Orleans but the overhead of the revues there has forced the Fair management to pour coin into the attraction for a number of weeks in order to keep it open.

Ice Show

Continued from page 1

lavish. Main background will be a simulation of ice, specially devised by the designer's engineers, coming up from the rink as though part of the real ice. Inside this frame a number of smaller sets will fit. Among other evidences of the 'don't-spare-the-expense-boys' spirit will be a spun-glass curtain, consisting of the greatest source of footage of material ever made. It is now in the manufacturing process. Curtain will be so heavy that a special reinforced proscenium and oversize motors will be needed to carry and move it.
'Hot Ice' Title Cold
Title ballyhooed up to this week has been 'Hot Ice'. It was discovered that was copyrighted as the name of a magazine story, and it will probably be changed. Producers are still in a dilemma for a new one. Show is set to open during the first week in October.

Wirtz and Miss Henie are said to be the sole backers of the gigantic spectacle, with the Rockefeller in line in the city. They are doing the remodeling of the house, which included removing the first eight rows of seats—and taking a percentage for rental.
Joe Cook, who will star, is devising numerous of the gadgets for which he is noted to get himself cut on the ice. He's the only member of the cast who's not a skater. Lack of shows in Europe this season has aided Wirtz and Miss Henie in lining up blades artists. Foreigners include Hedi Stenif, prima donna, Herthe Grossman and Edwina Blades. Canadians are Casey Saters and Dr. Arthur Nellis, billed as 'The Absent-Minded Skating Professor'. Others are Leanne, Gweneth Butler, Mary Jane Yoe, Skippy Baxter and Gene Berg, in addition to the line of 60. Leon Leonidoff, of the Radio City Music Hall, is producing; Catharine Littlefield is doing choreography and Erno Rapee will baton the-orch.
Skaters have been rehearsing with Miss Henie at a rink in Great Neck, L. I., but more to Madison Square Garden today (Wednesday). They'll start at the Center as soon as the ice equipment is in. Work has just been completed on laying cork and asphalt over the stage preparatory to laying the brine pipes.
Wirtz, who has produced shows for Miss Henie in the past, got into the ice skating biz via real estate. He acquired a large stadium in Chicago through foreclosure and, in searching for some way to make it pay, hit on the skating shows.

Paris

Josephine Baker is resting at Brive, in unoccupied France.
Max Renner, actor, and Paul Collin, scenarist, are prisoners.
Comedians Pierre Dac is at Toulouse and Jean Rieux at Albi.
Actor Geo Pomel, wounded in the front lines, is recovering in Brittany.
Paul Valery, writer and poet, is presently working on a new version of 'Faust'.
Marial Pitechard, wife of the writer, killed near Paris when she fell off bike under truck.
Plane service re-established between Vichy, Lyons and Marseilles with tieup with North Africa.
Vichy scandalized because a famous dramatic actor, reportedly Sacha Guitry, was seen at Maxim's recently at the same table with a German officer.
Before American Ambulance Volunteer Corps left Clermont-Ferrand (for home), it was decorated with the Legion of Honor and six with Croix de Guerre.
The Life, Time and Fortune correspondent in Paris, Sherry Mangan, has been expelled by German authorities for having written articles considered insulting to them.
Paul Brocard, French six-day bike racer, seen in Madison Square Garden teamed with Pierre Giumbreire, badly wounded in the light arm, struck by a bomb fragment.
As Sacha Guitry's 'Pasteur' was being premed at the Madeleine theatre, Joseph Meister, upon whom Pasteur made the first antirabies injection, transmitted suicide at his home in Paris.
Stage and screen comic Dorville is dead. He was buried at Souillac, in unoccupied France, where he sought refuge. He was considered one of the greatest French comedians among contemporary Gallic actors.
Henry Degrange, 75, owner of sports paper L'Aurore, is dead. He became internationally famous as the 'Pere' (father) of the famous Tour de France road cycling race. The 40th edition of the grind was held in 1939.
World War mutilated and blind Deputy Scapini, who was one of the best friends of American pict biz in France, appointed by French government to negotiate with German authorities on questions dealing with prisoners.
Jean Zay, who as Minister of National Education under Blum and Daladier tried to knit the American film biz in France, was arrested in Rabat, Morocco, returned to Clermont-Ferrand and is appearing before the 15th Regional Military Tribunal for desertion in wartime.

St. Louis

By Sam X. Hurst

Bernard Palmer, manager of the Lory, Highland, Ill., back from vacation in Missouri's Ozarks.
Steve Cady has quit his summer nightery in St. Louis County and will reopen his town spot Oct. 1 after extensive face-lifting.
Bob Thomson, business agent of IATSE Local No. 113, recovering from blood poisoning caused by being bitten by spider.
George Givot, Johnny Perkins and Ben Feld made appearances with George Jessel's troupe in latter's opening at Missouri theatre.
Arnold Berger, resident manager of the Drive-In theatre, DesPeres, Mo., is father of a boy. Mrs. Berger is in this way they could learn what studios want and get an in with have entered through the ranks of readers. There used also to be quite a few friends and relatives of studio officials who got some of the reading work, but with higher standards and lower pay now, most of the glimmering is done by a small stabilization group of professionals.
Rates paid by the various eastern story departments are:
RKO—\$2 to \$10, with \$5 average.
\$10 is rare. Extra pay usually has to be asked for.
Twentieth-Fox—\$3 to \$10, with \$5 average. Again \$10 is rare and extra. A few extras in the industry tray pay comes only on a few.
Paramount—\$2 to \$10, with occasional \$1 or \$2 bonuses for rush special work.
Columbia—\$2.50 to \$12, usually without being asked for the extra pay. Top figure of course, rare, but the average is about \$6.
Metro—\$4 to \$21, with an average of about \$7. Top figure is not too rare and is handed out by the studio voluntarily for a combination of long novel and long synopsis (750-page book and 30-35-page synopsis). Metro is best of the companies in treatment of outside readers.
Universal—\$3 to \$5. Lower amount is for books up to 300 pages and 1c a page is paid after that up to a maximum of \$5.
Warner Bros.—Employ few outside readers and refuse to divulge rates.

Pittsburgh

By Hal Cohen

Variety Club's annual banquet set for Oct. 20, day after Pitt-Fordham game.
Walter Wanger in Monday (9) to meet local staff, exhibs and news people.
Clair Meeder, prexy of AFM Local 60, up and around again after pneumonia.
Picollo Pete and all his bandsmen are in the middle of a series of flying lessons.
Federal Symphony conductor Harry Heeb's son, Armand, a reserve army major.
Freddy Castle band checks out of the Club Petre on Saturday (14) after summer run.
Reggie Dvorak has switched from Boogie-Woogie Nut Club to Al Mercur's 'crazy' house.
Mark Browner, who recently tired from exhibiting after 33 years, going to Hollywood.
Tex Ritter a visitor at Mono exchange and Smiley Burnette dropped in on Rep. Clegg last week.
Sam Cairns, one of finalists in last 'Gateway to Hollywood' contest, home from coast for a visit.
Brian McDonald's proteges, Chick

and Lee, check in at Cleveland's Ohio Villa for a run shortly.
Lew Mercur has gone back to Florida to ready his Miami Nut Club for a mid-November opening.
The Mike Shapiro have announced the engagement of their dotter, Ruth, to David Hadburg.
Bernard Buehert, district manager for Manos circuit, and the missus vacationing in Birmingham, Ala.
Saxist Ellis Gusky, with the WCAE Airliners, has announced his engagement to Ruth Weissberger.
Burning Question! In 13th week at Art Cinema has cracked all money and attendance records there.
Jimmy Stewart visited his home town, Indiana, Pa., last week for double wedding of two schoolgirl friends.
Frank Hernandez, who has his own thumbea band in the south, seen the old home town again for first time 10 years.

Westport, Conn.

By Humphrey Doulsen

Iika Chase weekendng here.
Mrs. Danny Lior, of the Coast, Romney Brent and Gina Malo here. Theresa Helburn here from Hollywood.
Anne Whelan motoring to San Francisco.
Lily Pons to Canadian retreat to work on Met's forthcoming revival of 'Daughter of the Regiment'.
Walter O'Keefe back from the Coast where he helped organize radio performers' Willie works.
Billy Gaxton, Robert Emmett Dolan, and Danny Lawlor still commuting to Louisiana Purchase.
Lillian Fitzgerald, Bide Dudley, Homer Mason, Marguerite Keeler, Ann Greenway, Eddie Darling, A. P. Waxman here for the wedding of Mary Luescher, daughter of Mark, and Jarvis Olsen.

Paradox of Pix

Continued from page 1

bination of length of material and length of synopsis is about \$5. That means that an o.r., working seven days a week, can make \$35. One ordinary-length book a day, reading plus typing, is pretty good going and means from seven to 10 hours of application. Added to that is time spent going to and from the story department.
Actually, the week an o.r. makes \$35 he is pretty happy. Fifty-two week average is \$18 to \$20 in most companies; with Metro the only one running higher. Work evenly, readers during some weeks earning as low as \$5 or \$10. Paramount pays small extra dividend for special services, such as going to plays and reading at publishers' or agents' offices, but most companies pay nothing additional for these or all sorts of other rush and special jobs.
Few years ago there were nearly twice the number of readers and pay was much higher. Outside o.o.s. were making from \$50 to \$100 a week and insiders from \$50 to \$70. General leveling off of wages in non-unionized branches of the industry and coverage of fewer potential stories has caused the decrease. As a result, the number of available readers has fallen off. Profession—if it can be called a profession—used to attract a large number of would-be Hollywood writers, who figured that in this way they could learn what studios want and get an in with have entered through the ranks of readers. There used also to be quite a few friends and relatives of studio officials who got some of the reading work, but with higher standards and lower pay now, most of the glimmering is done by a small stabilization group of professionals.

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Hollywood

David Butler bruised motor crush.
Wesley Ruggles back to work after his honeymoon.
Peggy Ann Kent Westmore to Nevada for a divorce.
Jane Hall, in from New York for a screen-writing job.
Hedy Lamarr filed suit for divorce against Gene Markey.
Herbert J. Yates shot a hole-in-one on the Lakeside links.
'Bubbles' Schinas granted a divorce from Wayne Morris.
Sam Abarbanel returned to his Republic desk after Manhattan siesta.
George Hurrell checked out of Warners to set up his own camera salon.
Winfield Sheehan returned to his Beverly Hills home after summering at Del Mar.
Neil Hamilton filed bankruptcy petition listing debts at \$23,158 and assets at \$2,103.
Gary Cooper back to work after an illness that delayed 'Meet John Doe' for two days.
Louis King to Atlanta to address annual convention of Motion Picture Theatre Owners of the Southeast.
Anthony McGuire recuperating from kidney trouble and will be up and around in two weeks.
Harold S. Dunn stopping over for two weeks on his way back to Singapore as Far Eastern manager for Warners.

Atlantic City

Midgie Fliggs heading new revue, Babette's nine spot.
Tommy Rells played two-day engagement at Steel Pier ending Sunday (8).
George Hamid in Trenton, arranging for opening of Trenton Fair Sept. 23.
Norman Reed, director of WBAB, addressed Exchange Club luncheon Wednesday (8).
Vilma and Buddy Ebsen ended seventh day top billing at Steel Pier Music Hall Sunday (8).
Paradise, top sepiu niterly locally, closed for season with breakfast dance Sunday morning (8).
Allied Theatre Owners of New Jersey, Inc., will hold annual convention Sept. 25 to 27 at President hotel.
Ralf Brent, formerly of WTNJ, Trenton, has joined WFFG here as program director. Bob Lewis added to announcing staff.
Estelle Taylor, who came to 500 Club for week ending Sept. 7, held over until Wednesday (4). Niterly closed for season Saturday (7).
Hughie Barrett orch began limited engagement in Merry Go Round Grill of Ritz-Carlton hotel Saturday (7). Nat Birch ended season last Wednesday (4).
Whitney Varello returns to Round the World Room of President hotel for unlimited engagement until Varello. Johnny Hatt completed 10-weeks' stay there last Tuesday (3).
Mark Wilson, publicity director of Hamid's Million Dollar Pier returned to Philby office Saturday (7). Pier Hippodrome dark and water circuit ended Saturday (7). Ballroom to remain open weekends.

Honolulu

By Mabel Thomas

Film director Sylvan Simon and wife toured Oahu.
Bob Stanley, KGBM announcer, joined Canadian forces.
Songwriter Johnny Noble to N. Y. for visit with Jack Robbins.
Mae Murray seen at Royal Hawaiian despite her incog makeup.
Harry Owens band back to the Royal for while, one three years. Trader Vic building elite night spot which will have mainland talent.
Director Bill Seiter and wife, Marion Nixon, at the Royal for a month.
Giggy Royce, band leader at the Young Royal, signed his fifth year's contract.
Doris Duke Cromwell presented swimming champ Duke Kahanamoku with yacht for wedding gift.
Mrs. Jack and Joy Warner, maimed two weeks after Tahitian cruise, with Jack Warner joining them here.

Chicago

Chicago Opera season will open Nov. 2 with 'Aida'.
Joe Miller, reopening the 885 Club as a steak and chop house.
Jack Robbins came in for a week's stay and brought his son along.
Harold Will out as assistant to Harold Garfield in the Harris office.
Charles O'Reilly has been named motion picture supervisor of the Democratic National Committee.
Abe Lyman flew to the main stem after returning for a few days following his Bon-Air engagement.
Craig Denison resigned from the Neisser-Meyerhoff agency and now heads his own advertising and promotion office.

Literati

Nazis Subsidize French Papers

Five new newspapers, which have made their appearance in the French occupied zone since the armistice, are subsidized by the German authorities, it is reliably reported. They are *La France au Travail*, a daily which is expected to appeal to workers; *La Gerbe*, a weekly meant for young people and children; *La Vie Nationale*, a daily meant to appeal to the middleclass and the housewife; *L'Effort*, which calls itself Socialist; and *Les Dernieres Nouvelles de Paris*, a general news organ.

Also appearing in Paris are the *Paris-Soir*, *La Liberté* and *Le Matin*. All the other well-known newspapers are published in Clermont-Ferrand, and include *Le Figaro*, *Le Temps*, *Le Petit Parisien*, *Le Petit Journal*, *Le Jour* and *Le Journal*. There are, of course, the usual provincial papers published in Toulouse, Marseille, Lyons, Nice and other cities as before the war.

Papers like the *New York Herald Tribune* and the *Continental Daily Mail* no longer exist in France, although it is reported that Lord Rothermere may bring out a Continental edition in Lisbon, to facilitate distribution of his paper on the Continent.

The famous political review, *Revue des Deux Mondes*, and the *Beaux Arts Revue* are in circulation again, published in Clermont-Ferrand. *Cri du Sol*, a paper meant for peasants and farmers, which made a brief appearance before the war, is again being printed. It is published in Lyons by Dorgères.

As in Fascist countries, the papers are now propaganda instruments in the employ of the State. Every paper is censored before going to press, and papers often appear with large white spaces. The *Picaro* was suspended for 24 hours on Aug. 25. The government furnished no reason for its decision.

The papers are being used to buck up morale. Recently all the papers of the unoccupied zone published the following: "Workers, do not listen to those who continue to propagate the idea of class struggle. The government will not tolerate either strikes or lockouts."

Editorialists are given sufficient freedom, although quite often their articles appear with huge chunks chiseled out. Often, too, the articles are untouched, but the heading is eliminated.

Cohen (Colby) Calls 'Em on WMCA

Julius Cohen has resigned as dramatic editor of the N. Y. Ritter-published German language dailies and placed in charge of dramatic activities at WMCA. He is now known as Julius Colby, under which name he wrote for the Ritter papers for some time. He took the new surname from Ethel Colby, his actress wife. Assignment calls for midnight reviews of legitimate and films, his first broadcast going on Monday (9) when he covered the debut of "Jupiter Laughs" at the Biltmore.

Colby is also slated for 15 minutes of columnar stage comment during the day, that stint probably starting next week. His wife is now drama critic for the *Journal of Commerce*, using the byline of Ethel Colby, her stage name.

Korda, Miller Back Stage Mag

Principal backers of the new Stage mag, the first issue of which will be out next month, are Alexander Korda, Gilbert Miller and Myron Selznick. Contributors to the first issue will include Robert E. Sherwood, Alexander Woolcott, Clare Boothe and William Saroyan.

Mag's offices, etc., from various tables, chairs, rugs, etc., from various Gilbert Miller productions, chiefly *Tovarich*. Renee Carroll, Sardi's restaurant hatcheck girl who has been active with editor Alexander Ince in readying the mag, has finally been given an official title, "liaison editor and Sardi's correspondent."

Congressman's \$20G Libel Suit

Alleging personal libel by publication, Congressman Martin L. Sweeney, Ohio, has served notice, through counsel, of institution of an action for \$250,000 against The Springfield, S. C., *Herald-Journal*. Co. Basis of complaint was a syndicated Washington Merry-Go-Round column published in Spartanburg *Journal*, afternoon sheet of *Herald-Journal* Co., December 22, 1938, relating to Congressman Sweeney's alleged activities concerning the filling of a federal judge vacancy in Ohio. Merry-Go-Round is written by Drew

Pearson and Robert S. Allen, Washington newspapermen. Already docketed, but not tried, is \$100,000 suit against *Herald-Journal* Co., brought by Daniel Duncan, engineer on PWA hydro-electric project at Greenwood, S. C., who claims Washington Merry-Go-Round statements on another occasion were injurious to his professional reputation.

Editorial Bites Man

Incensed over the "Dictator Roosevelt Commits An Act of War" editorial in the St. Louis Post-Dispatch (Pulitzer Publishing Co.) last week, an editorial that was reprinted in the *New York Times* and *Washington Star* as a paid ad, Lawrence Miller, 62, former army sergeant, heaved stones through three plate glass windows in the business office of the St. L. newspaper Friday (6), causing \$500 damage. Vailed by custodians of the building and turned over to cops, Miller said, "I broke the windows to get even with the Post-Dispatch for insulting the President."

Papers Miller's possession showed he was twice cited for bravery while a member of the Second Machine Gun Battalion during the World War. The editorial criticized the President for the trading of 50 destroyers to Great Britain for leases on air and naval bases in the Atlantic.

L. I. Daily Starts

New Nassau County (Long Island) daily, backed by Alicia Patterson Guggenheim, started publication last Tues. (3). Named *Newsday* as result of county-wide contest in which three submitted that monicker for top prize of \$1,000 and two smaller prizes.

Owner is daughter of the N. Y. *News-Chi Trib's* Capt. Joe Patterson, and wife of Harry Guggenheim, diplomat. General manager is William Maple, journalism professor, and m.e. is Harold Davis, ex-News cable editor. Reportorial staff includes several former *New York Herald Tribune* men. Sheet is evening tab, five days; no Sat. or Sun.

Time's Buenos Aires Bureau

With increasing importance of South America as a news source, Time mag is setting up a two-man bureau in Buenos Aires. It has depended on coverage by free-lance correspondents in the past.

Staffing the bureau, which will serve Life and Fortune as well as Time, will be Fil Calhoun, until recently an American correspondent in Rome, and Hal Horan, of Time's Washington office.

LITERATI OBITS

Frederick W. Kellogg, 73, retired newspaper publisher and one-time advertising manager of the *Detroit News*, died Sept. 4 aboard the Japanese steamship Nitta Maru while on a cruise for his health between Honolulu and Japan. Widow, former Florence Scripps, of the newspaper family, and three children survive.

Mrs. Madeline Sharps Buchanan, novelist, scenarist and magazine writer, died Sept. 4 at Abington Memorial Hospital, Abington, Pa., after a nine-month illness. Her mother, Mrs. William Sharps, and a daughter survive.

Henry Litchfield West, 81, author, newspaperman and a founder of the National Press Club, died in Washington Sept. 2 after a long illness.

Charles Bradford Chapman, Sr., 81, dean of Southern editors, died in a Sandersville, Ga., hospital, Sept. 6. Editor and publisher of Sandersville *Progress*, he remained in harness until two weeks before death. Was twice honored by Georgia Press Assn. for editorial work and received a 50-year service award from organization some time ago.

Harold W. Fairbanks, 47, editor and publisher of the *Natick* (Mass.) Bulletin, died Sept. 5 at the Leonard Morse hospital, Natick. He was recovering from an operation performed two weeks ago when fatally stricken. Widow and two children survive.

CHATTER

Newsmen Leo Lanier (Austrian) and Henry Furst (American) in from abroad.

Gretchen Messer resigned as fashion editor at the Paramount studio and is returning to magazine work.

Sylvia Smith (Ashton), formerly with the Newark *Star-Ledger's*

drama department, has joined the promotion division of PM.

Inter-Continental Bureau, Inc., has been chartered to conduct a business in the collection of news, editorials, etc., with offices in New York.

Undaunted by Hitler's blitz the two London theatrical weeklies, *The Sketch* and *Tatler*, have moved their editorial offices to the interior and are continuing publication.

London Blackout

Continued from page 1

bons (Gibbons Circuit), an electrical engineer, with its architecture such that the stage is in complete view from anywhere in the house. Its stage lighting system is also rated one of the best. The Empire, though a much older theatre, is likewise rated high.

Palladium of recent years has been operated by George Black. His *Top of the World* revue was playing the house, but it was stated Monday that Black had discontinued this show, along with the revues, *'Black Velvet'*, at Hippodrome, and *'Apple Sauce'*, at the Holborn Empire. Black had already shuttered four of his suburban houses.

One shortwave broadcast Saturday night mentioned that two London museums had been bombed. The world-famous British Museum is only four blocks from the Holborn Empire, which is about a mile from the Palladium.

Close at 9 p.m.

London, Sept. 10.

London-cinema managers held a conference with the police commissioner today (Tuesday), and although no curfew was imposed, they decided to close all film theatres nightly at 9 o'clock. West End houses which come under a "different" category, will close at 10, some later.

Legit houses are considering closing altogether, and all imminent productions have been temporarily abandoned.

Only cabarets with air-raid shelters will continue to operate.

MARRIAGES

Mary B. Hickey to Edward J. Healey, in Watervliet, N. Y., Sept. 7. He's night and radio editor of *Albany Knickerbocker News* and air-caster for that paper over WABY, Albany.

Dorothy Bullock to Benjamin Forrester Orr, Jr., in Houston, Sept. 4. He's announcer at KTRH, Houston, and son of B. F. Orr, station's manager.

Anne Wigton to Elliott Lewis, Aug. 31, in Las Vegas, Nev. Both radio players.

Frances Creel to Leslie Lubliner, in Reno, Nev., Sept. 2. Bride, legit actress, is daughter of George Creel, United States Commissioner to the Golden Gate Exposition; groom's with the National Labor Relations Board.

Helene Anders to Wilmon Menard, in Yuma, Ariz., Sept. 4. She's a stage player; he writes for films and magazines.

Isolde Denham to Peter Ustinov, in London, Aug. 8. Bride, daughter of playwright-director Reginald Denham; is London legit player; groom is British legit actor.

Pauline Lauber to Aubrey Finn, in Hollywood, Sept. 6. Bride is secretary to Radio Writers Guild in Hollywood; he's attorney there for RWG.

Frances Marie Sullivan to Gerald Gaetz, in Regina, Sask., Aug. 2, just announced. He's manager of CKCK, Regina.

Jane Ward to Vic Rowe, in Saskatoon, Sask., Sept. 10. He's announcer-control man with CFQC, Saskatoon. Shirley May to Will Gilbey, in Saskatoon, Sask., Sept. 18. He's announcer-control man with CFQC, Saskatoon.

Dr. Sam Kurtzman, former radio gag writer, to Roselle Rosecranz, in Reno, Nev., Sept. 7.

Peggy Stewart to Donald Barry, in Glendale, Cal., Sept. 7. Both are picture players.

Mary Jane Russell to F. Kenneth Beirn, in Waterbury, Conn., Sept. 7. Bride is a sister of Rosalind Russell, film actress; he's with the Pedlar & Ryan agency.

Elaine Stacey to Syd Chatton, in Maryland, Sept. 9. Bride is showgirl; he's a member of the Radio Rogues.

BIRTHS

Mr. and Mrs. Joe Lescaak, son, in Pittsburgh, Sept. 2. Father's pianist and arranger for WCAE (Pittsburgh) Airliners.

Mr. and Mrs. Edwin Pentecost, son, in Atlanta Sept. 6. Father is manager of Loew's Grand, Atlanta.

OBITUARIES

LEON F. DOUGLASS

Leon F. Douglass, 71, joint founder of the Victor Talking Machine Co. and prominent as coiner of the slogan, "His Master's Voice," died Sept. 7 at his home near San Francisco after a long illness.

He invented the first spring phonograph motor in 1894 and six years later established the Victor Talking Machine Co. with capital formed by combining his assets with those of Eldridge Johnson. Douglass served as president and general manager, directing the company's destinies until 1921 when he retired as chairman of the board.

Born in Lincoln, Neb., Douglass as a boy was successively a printer's devil, telegraph messenger, telephone operator and an electrician for the Union Pacific Railroad before reaching the age of 15. He was granted a patent on a coin phone when only 19. Among his other important inventions included a magnetic torpedo and a camera devised to take pictures at great depths. In recent years he had been interested in inter-planetary communication. He cherished the original painting of the Victor terrier, which hangs in his home.

RAY SWAN

Ray Swan, 57, for years with theatres in Cedar Rapids, Ia., and various circuses and shows in a business capacity, died Aug. 29 at the home of his sister, Mrs. W. R. Morrison, on a ranch near Billings, Mont.

He began his theatrical career as an electrician for the old Greene's Opera House, Cedar Rapids, in 1903, later managing the old Majestic, vaudeville theatre, and also the Strand and Palace picture houses in Cedar Rapids and the Coldren theatre, Iowa City.

He had been with Gollmar Bros., Ben Wallace circus, Robbins Bros., Russell Bros., Walter L. Main, Parker & Watts, Tom Gorman and the Ringling shows and also had managed Cal Stewart and Uncle Josh Weatherby shows.

HELENE CHADWICK

Helen Chadwick, 42, star of silent pictures, died Sept. 4 in Hollywood as a result of injuries sustained in an accident last June. Burial will be at her birthplace, Chadwick, N. Y., a town named for her father.

Starting her film career in New York in 1916, deceased moved to Hollywood two years later and was costarred in several silent films. Among the pictures were *'Father and Son'*, *'Confessions of a Wife'*, *'Men Are Like That'* and *'Mary Burns, Fugitive'*. With the advent of sound, she became a featured player and later dropped out of the profession. Surviving is her mother. She divorced her husband, William Wellman, director, in 1923.

GATE TAYLOR

Gate Taylor, about 50, radio trade paper advertising representative, died Sept. 5 at Glendale Sanitarium, Glendale, Md., following a serious illness for the past two months. He suffered a physical breakdown during the week in June, shortly after joining Varnum's staff.

Before joining Varnum's Taylor, for eight years, was connected with Broadcasting magazine.

A widow and daughter survive. Burial took place in Terre Haute Sept. 7.

SIGMUND STRAUSS

Sigmund Strauss, long a manager with the Loew circuit, died Sept. 8 at his home in Brooklyn, N. Y. Starting as an employee of Nicholas and Joseph Schenck at the Star Music Hall, Fort George Park, N. Y., Strauss later joined the Loew organization as manager of the Broadway, Brooklyn.

He subsequently managed Loew's 42nd St., the old American Warwick and lastly, Loew's Palace, Brooklyn. Funeral services will be held today (Wednesday) in N. Y.

MANUEL C. PADILLA

Manuel Castro Padilla, 47, Mexican songwriter and impresario of the Teatro Lirico, Mexico City, where Lupe Velez got her start, died Aug. 23 at his home in the Mexican capital of hurts received two months ago when he was beaten up by hoodlums who resented political cracks made in his revue shows.

Widow and son survive.

FRANK SAPORITO

Frank Saporito, 36, prominent Westchester musician, died Sept. 1

at the New Rochelle hospital, New Rochelle, N. Y. He suffered a cerebral hemorrhage Aug. 30 while visiting the nearby Glen Island Casino.

A native of Larchmont, N. Y., Saporito was a delegate of Local 420 of the American Federation of Musicians.

CHARLES FINK

Charles Fink, 79, violinist who played sang and audited music in New York Yiddish theatres in the '90s, died Aug. 27 at his home in Milwaukee.

For years he had been a cantor in one of Milwaukee's early Jewish temples. He headed his own band in the Wisconsin city, too, for a long time.

HARRY A. ATKINSON

Harry A. Atkinson, 67, died at his home in Regina, Sask., Sept. 2. He had been associated with General Films, Ltd., Regina, since 1917, and was president of the company until his retirement in 1939.

Survived by widow, son, Stanley C., president of the company and two sisters.

ARTHUR STONE

Arthur Stone, 56, former character actor and later a film makeup artist, died Sept. 4. Hollywood after a short illness. Surviving are his widow and son.

MACK G. UBELHART

Mack G. Ubeltart, 25, announcer at WHBC, Canton, O., and formerly executive secretary of the Canton Junior of Commerce, died Sept. 8 of a heart ailment, leaving his mother and a brother.

ELEANORE WYMAN

Eleanore Wyman, 26, bit player in pictures, died Sept. 1 in an automobile accident near Lancaster, Cal. Surviving is her mother.

CHARLES E. CONNOR

Charles E. Connor, 26, for the past two years manager of Center theatre, High Point, N. C., died Aug. 28 at Burrus Memorial Hospital, High Point, of typhoid.

CARYL S. FLEMING

Caryl S. Fleming, 46, president of Pacific Coast Association of Magicians, died Sept. 2 in Beverly Hills. He was formerly a film director.

GLENN D. BELT

Glenn D. Belt, 50, assistant screen director, died Sept. 1 in Hollywood. Surviving are his widow and two children.

Alexander Irwin, 61, retired chief usher of the Metropolitan Opera House, died Sept. 3 at the Brooklyn Hospital, Brooklyn, N. Y., after a long illness. Widow, Mrs. Alice Irwin, survives.

Julius C. Schultz, 60, former manager of the Academy of Music, Lynchburg, Va., when it was a regular legit stand, died Sept. 3 at his Lynchburg home.

Widow, two sons and two sisters survive.

Mrs. Blanche Frank, 40, wife of Samuel Frank, south Jersey film exhibitor, died Sept. 7 at her home in Hammononton, N. J. Her husband, operator of the Rivoli, Hammononton, and two sons survive.

Hans Boeck, 73, vet musician and a member of the St. Louis symphony for 25 years before his retirement 12 years ago, died at his home in St. Louis from a heart attack.

Adam Stansfield, for years a member of the Capitol theatre orchestra, Moose Jaw, Sask., died in that city, Sept. 1. Survived by widow, daughter and son.

William Burke, 68, father of Johnny Burke, songwriter, suicided in Los Angeles Sunday (18) on account of ill health.

Mother of Richard Mockler, publicity head of the Hotel New Yorker, died of pneumonia Sept. 5 in Jamaica, N. Y.

Father, 90, of John Cook, RKO process librarian, died Aug. 28 in Inglewood, Cal.

George Hall booked for Saturday (14) at Hamid's Pier ballroom. A. C. Tommy Tucker's orch will play the following day.

WHAT THEY THINK

Willkie's Mike 'Personality' Washington.

Editor, VARIETY:

There has so much appeared in the public prints and elsewhere relative to the radio 'personality' of Wendell L. Willkie, that I am prompted to address this letter to you in the belief that VARIETY, one of the most prominent of all the trade publications of the broadcasting industry, can find space for a few simple facts on the constructive side.

Almost all of the negative criticism of Mr. Willkie's radio presence has come from so-called professionals—professional writers, professional artists dealing in criticism, professional critics. Strangely enough, almost none of this criticism has come from professional politicians, men of public life whose business it is to talk effectively to people. None has come from the 'average listener'—the man-in-the-street, the average work-a-day-man. We have heard, with some such remark as, 'I liked him'—the sounds sincere to me—'he talks my kind of language.' That is because Wendell Willkie is natural.

Mr. Willkie cannot be measured by the criticism-standard of professionals. The only fair measure of his radio personality—naturalness—and Wendell Willkie is natural—in your vernacular of professionals—he is a 'simon-pure' nature. That is good, it's good radio; the very foundation of good radio.

Wendell Willkie has talked on national networks less than half a dozen times since his candidacy for nomination, probably less than half a dozen times in his whole life, and today he is an outstanding radio personality. Prove it? Sure.

Mr. Willkie's acceptance speech at Elwood, Indiana, attained the highest listener rating ever recorded for a 'political' speech in the history of radio—a CAB rating of 37.8%. Only two other speeches (both non-political) ever attained a higher rating—President Roosevelt on June 10 of this year, and the abdication speech of King Edward VIII in December of 1936. And at Elwood Mr. Willkie spoke under the most trying circumstances and before the largest crowd ever encountered by a man in his position.

Of course, he's good—and he'll improve. He does not make the mistakes of most speakers. He is keenly aware of the situation when he is talking. He instinctively knows when he is addressing a large group assembled to hear him, that the radio listener is coming to a meeting in front of him, and when he talks, a studio he automatically knows that he is going to the listener in his own home—quietly, conversationally. That's the natural way.

President Roosevelt with his Harvard accent, his ingratiating manner, his ability to orate, is natural on the air—today. I can remember when that was not the case. Wendell Willkie, today, can be reached and prompted into a letter-perfect performance in an amazingly short time but then he would not be Wendell Willkie—he wouldn't be natural. To take away his naturalness by any such means would be to take away his sincerity—his force—his personality. It would be one of the most unfortunate things that would befall him.

Since Mr. Willkie's address at Elwood, this office has been literally besieged by well-meaning, intelligent and capable professional broadcasters intent on improving 'his radio technique.' It has been our constant fear that one of these well-intentioned people would reach his ear—that would be unfortunate.

Yes—Wendell Willkie will improve on the air because he is the kind of man that follows through with a job to be done and done quickly—in a month he'll be terrific on the air. But that change will come about in the only right way—the natural way—the Willkie way.

Ted Long, (P. A. Long, Assistant Director of Radio, Republican National Committee).

What Union, and How Many?

New York: I believe in Unions, those that are honest and well-run and I am very proud of my membership. Local No. 802, A. F. of M.

I feel, however, that even the most ardent Unionist will agree that in some cases Unionism has been overdone and I am convinced that the most flagrant example of over-

done Unionism is in the theatrical profession.

There is very little steady employment in this business. Some of its fields have been greatly reduced and uncertain business conditions hamper employment. Also, there often is a layoff in between jobs. With these prevailing conditions a great percentage of performers are compelled to become members of from two to six Unions in order to work. Can anybody tell me why it should be necessary for these people, a majority of whom barely make a living, to pay initiation fees and dues to a number of Unions all of which are in one profession?

For example, if you perform in the theatre, whether it be in the chorus or as a principal, you must belong to Equity. If perchance you get a job later somewhere in radio, either singing or acting, you now must join AFRA. Should you, however, use a musical instrument to accompany yourself the Musicians Union says you must now join the A.F.M. This in addition to AFRA. If at a future time you might find it necessary or advantageous to perform some hotel or cafe, the Unions you already belong to apparently have no jurisdiction for now, you are in the field that belong to AGVA. To top these off we also have the Screen Actors Guild and AGMA. (For those who really think they can sing or play.)

Now I initially said, I believe in Unionism. I don't believe, however, in over-burdening people and I certainly don't believe in six Unions in one profession.

In conclusion, may I suggest that the heads of these various Unions get together and solve this problem for the best interest of both Unions and the Theatrical Profession.

Moe Gale.

'Variety' Mugg

Continued from page 3.

enter politics. They run for the lowest office in the lowest legislature in the land and get low enough to make it. Everybody, including Dies, gangs up to prevent this.

Moscow or L. B. Mayer?

His Leech is called in again to testify again, this time before a D.A., who is running for re-election, to smear all Hollywood as paid up Moscow rather than L. B. Mayer gold.

Scully is campaigning to get shady people out of politics in sunny California. So a minute before going on the air he is subpoenaed to appear before the D.A.'s grand jury, and the moment he appears he is told it's all off indefinitely. He tells the reporters that he is a Democrat and the D. A. is a Republican and this is a campaign year.

It's good for a laugh from everybody but Mrs. V.M.E. The 'Tovarich' routines get her down. So there is only one thing to do and that is to put her on a train and give her a change of scene for a few weeks. To do this two days before election day is considered political suicide, but scratch a mugg anywhere and you find he's a rebel all over. So we go, and so what? We get elected in absentia anyway.

Upon our first visit back to Gotham, the bridal suite at the St. Moritz hotel (N. Y.) is ours for our interview we care to give. Name writers want our life story. Six years ago returning from France after 10 years abroad Mr. and Mrs. V.M.E. had what seemed like the identical suite and the same reporters, except this time a *Variety* Mugg was missing. Slipp somewhere.

The reporters thought the V.M.E.'s language was likely to the point of blasphemy, which shocked us until we went that night to see 'The Man Who Came to Dinner,' which was an integrated Minsky revue in three acts with all the blue gags left in. It was a story about George Bernard Shaw's broken leg merged with Alexander Woolcott's carbon copy notes of same. It was 'sellout.'

From there we went to Child's to kick up our quads of indignation and had Penny Holtzmann along to see if we succeeded. But the waffles must be getting better, or we are not eating as much, because nothing happened.

Under the circumstances it seemed the sensible thing to do to go to New England for the Labor Day holiday so as to miss a few editions. Brides playing in town would entail luncheon with George E. Sokolsky, the capitalist agitator, and possibly Mervyn Stanley Rukysver,

Illogical

Detroit, Sept. 10. Here's one of the inconsistencies that cropped up at the 81st Michigan State Fair. Gov. Luren Dickinson, a Prohibitionist, ruled out the sale of beer, legal in the state, at the Fairgrounds. However, bingo, illegal in Michigan, was being played all over the midway.

who also knows all about world economics.

Fortunately, publisher M. Lincoln Schuster was on a honeymoon, so there was chance of asking him for an advance and having him say no he couldn't afford it, what with the honeymoon and the new offices in Rockefeller Center and the state of the book biz generally.

The closing was 'Mary, Mary, Quite Contrary,' starring Eva Le Gallienne in a Sinjun Ervine piece of fluff showing, a dress acting. It was in the Cape Playhouse, which isn't a made-over barn but a tailor-made theatre retaining all the thrifty and attractive features of a haymow and staging shows which differed in no detail, not even price, from the Broadway show seen two nights previously. If anything, the Cape item grossed bigger, though both were S.R.O. shows.

To the V.M.E. it was a 'Conrad in Quest of His Youth' trek. The only time he had caught Miss Le Gallienne before was when she was a slip of a thing in a piece called 'Mile a Minute Kendall' by Owen Davis. It was tried out in Stamford, Conn., which in those days was considered a few blocks from Bering Strait.

It was a grand thing to see an actress grow as Miss Le Gallienne has grown and have her remember the small beginning as if it were only yesterday. Even her mother, who was at the 'Mile a Minute' premiere, was at the Sinjun Ervine success.

From Cape Cod to Martha's Vineyard is about two hours as those old crows fly and there your V.M.E. wanted to see the Houghs, George, Jr. (aged 47), and Henry Beetle Hough, who wrote the 'Country Edition' and stumbled through 'Inform Please' Tuesday (3). Also Katharine Cornell, James Cagney, Ralph Bellamy, Francis Hackett, Felix Frankfurter, Morris Ernst, James Marshall, prez. of the N. Y. Board of Education, and Leonore Marshall, and Clara Sharp Hough, novelists.

So passing through Dennis, East Dennis, West Dennis, South Dennis, Port Dennis and finally one proudly advertised as Dennistown Dump, we arrived at Woods Hole, where you hole out for Martha's Graveyard—but alone. The rap to transport a car, even a Ford, across those few miles of open water is \$13.50.

So we took an orphaned mugg instead and left the car behind. His name, Howard Holtzmann, and he catches shows in New Haven for the Yale News and for VARIETY. He catches shows, but he never cleans his typewriter. The result is that his T's are too close together and of no use to a mugg turned statesman.

Which reminds me I must get back to my Hollywood constituents. So long, muggs!

Scully's Brush With The Law

Los Angeles, Sept. 10. Frank Scully, writer and former secretary of the State Department of Institutions, was indicted by Los Angeles County grand jury, charged with misappropriating \$2,600 in public funds.

Speaking for Scully, who is currently out of town, his attorney, A. Brigham Rose, declared: 'This is a stinko political indictment, growing out of Scully's fight with Governor Olson. He will have no trouble in clearing himself.'

Hirst's 13th Spoke,

Walnut St., Philly

Philadelphia, Sept. 10. Izzy Hirst, operator of the burley circuit bearing his name, is reported having leased the Walnut St. oldest theatre in the U. S. Hirst is planning to make the Walnut the 13th spoke in his wheel.

At present the Hirst units break in at the Tric here and play the 12 Hirst-operated houses. Under tentative plans the units will wind up at the Walnut.

Burlesque Reviews

STAR, B'KLYN

Terry King, Marnee, Sahji, June Taylor, Sherry Britton, 'Peanuts' Bohn, 'Loonie' Lewis, Joe Lyons, Stanley Simmonds, 6 Showgirls, Chorus (10).

From the viewpoint of production and costuming, this burlesque is as arty as its strippers are active. Its seasonal tesor Friday (8) apparently took the 'Broadway Follies' title as seriously as a Brooklynite takes the Dodgers, the dressy side of the stage showing considerable coin investment by the three Raymonds (Harold, Sam and Leonard), who operate the house. The Star also appears to have been considerably cleaned up during its summer lull. There are red tie seats on the orchestra floor and the mugs can now really relax with the bumps and the teasing. There's plenty of help.

Official pix on roadshows in New York means that the policy here, as in the past, will be stock and frequent change of principals. From opening indications, however, little switching is necessary. Both comics, 'Peanuts' Bohn and 'Loonie' Lewis, are okay, the former strongest, and the four strippers, Terry King, Marnee, June Taylor and Sherry Britton, the latter three also playing straight in bits, serve their purpose in a varied interpretation of how to take off your clothes and wind up with the jitters.

Terry King is virtually the opener and wastes no time in getting down to just a flimsy bra and g-string. She does an extremely heavy routine of bumps, looking as though the breeze kicked up could dry a line of wash a block away. Marnee strips to the tempo of an old-fashioned minuet, swing at the climax; June Taylor does a classy strip, a Park avenue version of how to warm up an audience that was heated in the first place. It wouldn't be there; Miss Britton is the passionate, writhing type. It appears as though she's trying to tear off parts of her body and fling them to the wolves. The comedy bits are per usual; old and mostly dry. A new idea is a 'Gone With the Wind' bit by Lewis. Miss Britton and straightman Joe Lyons, but whoever, are dead if for a lot about laughs. Otherwise, the doctor, streetcorner and clip joint routines are familiar down to the faintest innuendo of smut.

There's a nice looking line of 10 girls, who, being this is only the opening of the season, are in step and appeared opening night to have had enough sleep the night before. Six showgirls back them up for half-way stationary strips in five tableaux. In the patriotic finale they also uncover, but at least the flag is an excuse there.

Plus all this, there's a brownskin dancer billed as Sahji who delivers an explosive native rhythm dance—a medley of bumps, thigh-grinding and cooing. Also on the entertainment side, if you look at it that way, is the pitchman and butcher-boys before the show. To those who make burlesque have, though, they take up valuable time. And apparently so does Stanley Simmonds, tenor and m.c.

Eddie Lynch is the stager here and it appeared as though some of his hastiness in production didn't exactly suit the taste of the south Brooklyn bunch. They wanted the strippers and in several different spots 'Loonie' Lewis didn't have to count the house on his fingers. He heard virtually every voice, and those from the gallery were loudest. Lewis is supposed to be a 'double-talker' but they outtalked him.

EMPIRE, NEWARK

Newark, Sept. 8. 'Top Hat Revue of 1940' with Noel Carter, Billy Ainsley, Bert Carr, Joan Mavis, Zara, Conny Ryan, Frankie Hopkins, Tremore and Claire, 'Spoons' Brown, Burns Bros. (2), Line (16), Selig Finkelsheim's house orch.

The season's second offering at the Empire rates well as vaudeville for this type of house, although it is technically a burlesque show. With the comedy material, the humor and the chorus given a week's more rehearsal, it could pass muster for the shirt-sleeve trade that this house more or less lures.

The strippers are there, of course, with titian-tressed Noel Carter. The Million Dollar Party Girl, featured. She was one of the lovelies who figured in the background of the Barker-Karpis stock scandal, some time back and once did time as an Earl Carroll showgirl. Other disrobbers are Joan Mavis and Zara, both of whom have what it takes to please the regulars. Billy Ainsley, greased up as a tramp, and Bert Carr, with a few teeth blackened, have charge of the fun section. They succeed in working their way through the customary blackouts without once forcing the laughs—which is something for this type of entertainment.

Much of the credit for the okay pacing and timing of the show goes to juveniles Conny Ryan and Frankie Hopkins. They handle the solo

singing and m.c. work and give better than able service as straightists. Miss Mavis also helps out considerably in some of the skits.

Specialties are offered by Tremore and Claire, adept barroom duo, and the Burns brothers, two boys who tap. They all got a good response at this catching.

On the different side of the ledger is the brief act of 'Spoons' Brown, colored. A flare for mimicry transforms an ordinary spoon-clapping number into something worth a second look. His singing could be skipped.

This is the second week on the road for this Hirst wheel-show and the costumes are not only new but in excellent taste. A production number in which the girls wear golden togas and carry gilded maracas, and another in which red, white and blue satin is combined to good effect, are more notable.

B.o. o.k. at Sunday (8) opener.

Kent

Big Concerts

Continued from page 1.

as their satisfactory grosses, makes it virtually certain that Templeton, Levant and probably several additional novelty artists from radio will be regulars on the summer circuit next season. Showing of the Ballet Theatre and other ballet groups makes them another summer certainty.

Minor novelty of the just-concluded season was the clock of two-lioned teams, such as Vronsky and Babin, and Bartlett and Robertson. Both those pairs played extended summer tours and both pulled juicy returns everywhere. However, that was expected, as both teams are established draws in the winter concert field. It just happened to be their first major invasion of the summer end of the business.

Other Big Clicks

Among the major names who returned to the summer circuit this season were Kirsten Flagstad, husband-and-wife combination of Andre Kostelanetz-Lily Pons, Jose Iturbi, Richard Crooks, Grace Moore, Josef Hofmann, Paul Robeson, Albert Spalding, Marian Anderson and Gladys Swarthout. There were also countless lesser names.

New concert spots this summer included Rochester, N. Y.; Santa Barbara, Cal.; Watergate-on-the-Potomac, near Washington, and Portland, Ore. New amphitheatre near Denver will be ready next season. August spots that repeated this summer were the Boston Esplanade, the Berkshire Music Festival, Stockbridge, Mass.; Lewisohn stadium, N. Y.; Chautauqua, N. Y.; Robin Hood Dell, Philadelphia; Newark, N. J.; Cleveland, Cincinnati Zoo opera, St. Louis Muny (using opera singers), Central City, Colo. (also using opera singers); Grant Park, Chicago; Montreal, Toronto, Ravinia Park, Chicago; Milwaukee, Golden Gate Fair, San Francisco; Hollywood Bowl, and countless minor ones such as Brewster, Mass.; Music Mountain at Falls Village, Conn.; and Saratoga, N. Y.

Principal conductors during the summer were Iturbi, Koussevitzky, Kostelanetz, Bruno, Walter, Arturo Rodzinski, and such newcomers to the summer field as Efrem Kurtz, George Zezke and Frieder Weissmann. In contrast to the past, when the European, Australian and South African fields were profitable for summer tours, only two top names toured abroad this summer. Jascha Heifetz played an extended trip through South America and Yehudi Menuhin was in Australia.

Although summer concerts draw the winter dates in attendance, they not really a paying proposition, except for the musicians comprising the orchestras. Those men play at scale and thus generally make more money than from the winter concert dates. But the soloists are paid a maximum of \$3,000 per date and cannot play as many dates as during the winter. In a similar way, the managements frequently are lucky to break even as the low admission scale makes a real gross impossible. However, the concerts are considered profitable in the long run because they help pay off the overhead on the auditoriums, pay salaries to the orchestras and nominal money to the soloists. Also they are figured to keep alive the public's interest in classical music.

Dayton, Opens 13th

The Mayfair band, Sept. 10. The Hirsch circuit as a burlesque and will open Friday (13). Sid Glazi, manager for the house and circuit last season, returns to the same post.

THE STORY OF THE GREAT SINGERS!

A movie fable



Once upon a time there was a famous singer called "Boom Town." He was the big noise of his era. He sang good and loud.

It just so happened that at the same time there was another singer called "I Love You Again." This guy sang good and loud too—and funny!

If it hadn't been that "Boom Town" was always in the limelight you can bet that "I Love You Again" would have been the undisputed champion loud-singer of his day.

But when a guy's good he gets recognition. In between booms of this chap "Boom Town" the nation's showmen got an earful of what "I Love You Again" could do.

They said: "Hey, this guy's got a terrific bellow, too. He's a Star in his own right!" So they let "I Love You Again" do his stuff and it was good stuff and now he's booming in the headlines just like his famous contemporary.

MORAL: M-G-M's got two smashing box-office hits at the same time, so go and make yourself a pot full of money!



SCREEN

RADIO

MUSIC

STAGE

VARIETY

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VOL. 140 NO. 2

NEW YORK, WEDNESDAY, SEPTEMBER 18, 1940

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GALLUP RATING PIX STARS

New Phone Giveaway Gimmick Is an Airplane by B.&W. Ciggies

Chicago, Sept. 17.

Real airplane will be given away each week by the Brown & Williamson Tobacco Co. on its new ether show starting Oct. 4. Freeman Keyes, operator of the Russel M. Seeds agency, set details for the NBC Giveaway program, which has a telephone angle.

Tieup has been made with the Piper plane factory for the gifting of a Piper '65' Cub plane on each broadcast of the new show, which will be for the 'Wings cigaret product. Show is tagged 'Wings of Destiny' and will be an individual 30-minute story each week, though the central characters of an airplane pilot and girl reporter remain the same each week.

Awards will be based on testimonial letters, with the winning letter writer to be called direct from the broadcast and notified. There will be five best testimonials chosen on each program, and in the event none of the five testimonial writers is reached by telephone for notification, none will receive the award. That's the listening hook.

Amon Carter Proposes Will Rogers Ranch As Home for Film Actors

Hollywood, Sept. 17.

Plan is under way to turn the Will Rogers ranch in Santa Monica, covering 340 acres, into a permanent home for motion picture players. Idea was launched by Amon Carter, publisher of the Fort Worth Star-Telegram, at a luncheon tossed by Samuel Goldwyn with five Los Angeles publishers at the table. Guests were Harry Chandler, Times; Harlan C. Palmer, Citizen-News; Dr. Frank F. Barham, Herald-Express; Manchester Boddy, News, and Richard Carington, Examiner.

Carter, an old friend of the family and a trustee of the Will Rogers Memorial Commission, suggested that the purchasing funds might be raised through cooperation of newspapers and theatres throughout the country.

James Melton, Collector Of Ancient Jalopies

James Melton, who is chairman of the committee in charge of the ancient automobile race Sept. 29 at the New York World's Fair, has entered three of his own buggies in the contest. His starters will be a 1910 Stanley Steamer, a 1910 White and an 1899 De Dion Bouton. He'll drive one of the one-lungers himself. Race is limited to one-cylinder cars of pre-war vintage.

Tenor is a collector of ancient jalopies, owning 25 of them, most of which he keeps at his Weston, Conn., farm.

'NW Mounted' Flown To London for 'Morale'

Hollywood, Sept. 17.

Paramount is Clipping a print of 'North West Mounted Police' to London for showing there before the U. S. or Canadian prem.

Believed the film will gross heavily and bolster public morale because of its British flag-waving sequences.

Col., Victor Disk Price Cuts Hypo Sales 100-1,000%

Both Columbia and Victor Record companies claim heavy increases in record sales since the individual outfits slashed retail prices. Victor asserts that its Red Seal classical platters have jumped as much as 700%, while the Black label popular stuff, which was recently dropped to 50c from 75c, has hopped 100%. At the same time Columbia reports that its Masterworks sides have increased as much as 1,000% due to the price cuts which went into effect Aug. 6.

Columbia has been so jammed with unfilled orders on the classical stuff that the turning out of popular records has been slackened in order to give preference to the former. There has been no heightened interest in the popular as far as they're concerned. Summer norm has been maintained, but that's about all. Jump in Victor's pop turnouts is undoubtedly due to the cut to 50c. Factors of both companies are working overtime to fill back orders.

NAMES TO PERFORM AT FROHMAN DINNER

Something unusual in night club activities is a testimonial dinner to be tendered Daniel Frohman at Ben Marden's Riviera, Fort Lee, N. J., Sunday, Sept. 23. Regular show topped by Sophie Tucker, Harry Richman and Joe E. Lewis will be augmented by a flock of name players. Those expected include Al Jolson, Bert Lahr, Olsen and Johnson, Milton Berle, Victor Moore, William Gaxton, Bill Robinson, Sheila Barrett and Molly Picon.

Encore named as Monte Woolley and Vinton Freedley. Latter is a producer but was formerly a musical comedy juvenile. Proceeds will go to the Actors Fund, which Frohman heads.

FIRST SUCH POLL IN FILM BUSINESS

Institute of Audience Reaction Graphing Ups and Downs of Hollywood Talent—Q. T. Evaluating System Started 6 Months Ago—Survey for RKO on Directors, Stories and Titles, as Well as Players

CHART 200 ACTORS

Ups and downs in popularity of almost 200 Hollywood players, including stars and featured talent, have been charted from week to week during the past six months by Dr. George Gallup's Institute of Audience Reaction. Work has been commissioned by RKO, which has sole access to the results. Among those on whom the public's temperature is being taken are all RKO contract players as well as many others selected by RKO as possibilities for borrowing, hiring or pacing.

Method of plotting the ebb and flow of a performer's reception by Joe and Jane America is precisely the same as the familiar barometering of President Roosevelt done by Gallup's American Institute of Public Opinion. In addition to determining (Continued on page 47)

Anthony's KFI-KECA Go 100% BMI Nov. 1; Was ASCAP's 1st Radio Deal

Los Angeles, Sept. 17.

Earle C. Anthony, owner of KFI-KECA, has signed a contract with BMI for KFI. Deal for KECA was signed five months ago. Anthony signed the first radio contract with ASCAP 17 years ago.

Harrison Hollway, manager of the two stations, said BMI and public domain music will be used exclusively starting Nov. 1. Early start is designed to avoid the confusion if no ASCAP deal is signed by Jan. 1.

Fishell on Football

Dick Fishell is dusting off his toga to again swim the major grid tussles this season for VARIETY. Besides doing his weekly crystal-balling for VARIETY, he's doing his regular sports-casting for WHN and the play-by-play on the N. Y. (pro) Giants over the same station under Schick Razor sponsorship.

Fishell, for three years Syracuse (33) varsity fullback, and formerly with Brooklyn Dodgers, confines himself to strictly the tough games for VARIETY. He starts this week on page 47.

Nazi Pic Blitz in South America; 'Fear Psychology' Favors Putsch

Buenos Aires, Sept. 17.

Father's Death No Snag To Talku's 'Foxes' Date

Death of Representative William B. Bankhead, Speaker of the House, and father of Tallulah Bankhead, did not interfere with the star's appearance in 'The Little Foxes,' which opened its touring season at Princeton, N. J., Saturday (14). Actress attended the funeral services in Washington on Monday (16) and appeared in the play at Hershey, Pa., that evening.

Attendance at the latter stand was over capacity. There were 39 standees for 'Foxes' there, takings for the evening bettering \$3,100.

Paucity of B'way Plays Blamed On Mounting Costs

Increasing production costs are being blamed for the paucity of Broadway production, managers who are already in action pointing out that the several unions have imposed fresh regulations which mean added expenditures. It is estimated that the steadily growing requirements of the stage unions has upped the cost of putting on straight shows around 33% in the past eight years. Average show costs about \$15,000 to get opened, whereas formerly the same type of production reached the (Continued on page 12)

NAB 'HINTS' REJECTION OF COUGHLIN SERIES

Washington, Sept. 17.

The National Ass'n of Broadcasters is throwing out hints to its members that the new Father Coughlin series should be rejected. Proceeding on the assumption that past performance warrant expectation the Detroit cleric will indulge in political bargaining, the trade group has 'reminded' members that time for such speeches can be sold only during the duration of the campaigns.

Proposal to sign up stations for a full year is 'disquieting,' therefore, in the opinion of Edgar Bill, chairman of the code committee. Bill did not endeavor to impose a complete ban on the radio priest, yet remarked that it is vital for stations to find out in advance 'what side of what issues the broadcasts will support, and which candidacy or candidates will be advocated' so they can live up to their obligations under the code.

U.S. Secret Service Chief Credits Pix For Curbing Counterfeiting

Milwaukee, Sept. 17.

Motion pictures have so educated the public to recognize bogus money, that losses by persons accepting counterfeit coin or currency have been cut from \$1,400,000 annually to \$130,000 a year, according to Frank J. Wilson, chief of the U. S. Secret Service, who spoke here before the convention of the International Association of Police Chiefs. He gave the screen showings credit for doing more than all the chasing of counterfeiters the secret service has ever done in reducing the national loss from shavers of the queer.

This success has been so outstanding, Wilson told the police officials, 1,000 of whom were gathered here, that he believes police departments should likewise adopt motion pictures, as well as other educational methods, to instruct the public in the ways of criminals so they may protect themselves.

A well-informed and educated citizen makes a far tougher victim than an ignorant one,' he said. 'A major crime may be fought more successfully through education than through prosecution and imprisonment.'

THE SAGA OF JOLSON

Those marquee letters which again spell out in electric lights the name of Al Jolson in front of a Broadway theatre must have slid easily into place, despite the span of more than a decade since his last appearance in a New York musical show. The return of Jolson in person stirs memories, and touches the nostalgic nerve, but the event also is a significant pointing up of the fact that within the Jolson career is to be found the whole story of show business of a generation.

Jolson was at the top as a unique entertainer in his own particular style of work when the mechanical devices of electrical engineering nearly erased the legitimate theatre and vaudeville and swept him and thousands of others into a new show world. In the years since Jolson appeared in 'The Jazz Singer' and 'The Singing Fool,' he has been a potent figure in popularizing the newer forms of entertainment, the mingling of personality and kilowatts. He has been through the entire routine, from the earliest sound pictures to high percentage ratings of his air show. Now he is back on Broadway as the star in his own musical production, 'Hold On To Your Hats.' The cycle is complete.

The Jolson saga is the show business version of the unending world-wide struggle of the individual versus the forces of modern invention. He is the conspicuous personality who has coped successfully with the machinery age in the theatre. Where it has crushed others, Jolson rode it to success, financially and artistically. He is the symbol of the revolutionary movement. He is also the hero of the story; the actor who has survived the mechanical ordeal which destroys as it consumes talent. Jolson returns to Broadway the same zestful artist of a dozen years ago.

Glancing backwards, the task of piecing together the story of what has happened in show business since films started to talk and sing, and since great industrial firms adopted radio, is not difficult. But 12 years ago the future was a blank page. Thumbing the files of VARIETY one finds in the 23d anniversary issue, Jan. 2, 1929, an editorial (by Sime) containing the following paragraphs:

In 1905 Al Jolson was doing a three-act with his brother and another fellow on the Sullivan-Conside Circuit, doing three performances daily. Al is mentioned to bring out the revolution in show business to date. This year, 1928, Al Jolson has had two talking pictures which have placed him at the head of all show business as the greatest drawing card in grosses the theatre knows. These two are the only talking pictures Al has appeared in.

The Jolson trio on the S-C Circuit may have received \$175; the Al Jolson in-musical comedy was worth anything he demanded and probably got an average of \$5,000 weekly for himself, including percentage. In big-time vaudeville Al once turned down a summer offer of \$2,500 weekly.

And there's the record of Jolson—from a small time three-act to next to closing in a minstrel show, and the latter only 18 years ago in the Lew Dockstader Minstrels, when the late Lew, admittedly the biggest blackface monologist of his time, had to turn over the next-to-closing spot in his own show to Jolson. Lew going on in the first part. And then to Al's great height in musical comedy, the highest any entertainer can reach and the threatened danger to his vocal chords through his continuous stage singing—then to beat the world as a money draw in two pictures within one year and a half, the only professional work he has indulged in in that time, perhaps seven weeks in all, figuring rehearsals, for the camera.

There must be a moral in all this. It is probably that the talent of a Jolson will not stay dormant and inactive, even when it has been through all phases of the mechanical show era.

As with many others, so with Jolson, there was the hiatus—the several years when the machine, having taken its full portion from the individual, turned elsewhere for fuel. That was the moment of the supreme test. Jolson accepted the challenge. With his own coin backing, he produced a stage musical.

And now he is back on Broadway, the leaping off spot of 12 years ago, with a new musical show hit and a revived career.

BASEBALL TRIO SET FOR TOUR OF VAUDE

Al Schacht, Buddy Hassett and Dolly Stark, all major league baseball figures, have formed a vaudeville team and will go on tour as soon as the diamond season is over. Schacht, vet comedian and former player with Washington, will be headliner. Hassett, Boston Bees first baseman, will sing and Stark, until recently an American League umpire, will be m.c. and straight. Stark, who's also Dartmouth basketball coach, has had considerable radio experience and Schacht has been in vaude before, as has Hassett. Murray Goodman, former sports editor of INS, will manage the act.

Gypsy Rose Lee Steps Into 'Du Barry' Lead

Gypsy Rose Lee will step into 'Du Barry' as a Lady, 46th Street, N. Y., dated to take over the femme lead from Betty Allen Sept. 30. Later replaced Ethel Merman when the latter withdrew to rehearse with 'Panama Hattie.' Miss Allen will also be in the 'Hattie' outfit and will understudy Miss Merman as she did originally in 'Du Barry.' Miss Lee played in 'Streets of Paris' at the N. Y. World's Fair during the summer. Part in 'Du Barry' is the most important stage assignment for the former stripper.

ARRIVALS

(At the Port of New York)
Mr. and Mrs. Robert J. Landry, Leopold Stokowski.



LUCY MONROE

"Star Spangled Soprano"

Star of "American Jubilee," New York World's Fair 1940; just completed her 19th week—5 more weeks to follow. Closing October 27th. Victor Red Seal Records

Concert Management

Arthur Judson, Inc.
113 West 57th Street New York

COMING, GOING VIA LAGUARDIA AIRPORT

Up went Benay Venuta on American Airlines Mercury. Down came Paula Stone on the sTWAtoiner, back from Hollywood to begin radio rehearsals, but anxious for a two-day reunion with hubby Duke Daly, orch leader at the Hotel Biltmore, Providence, before starting work.

In on the same sTWAtoiner, Fred Allen and Portland Hoffa, welcomed by studio representatives carrying huge signs announcing that Fred was co-starred in 'Love Thy Neighbor' with Jack Benny—in mammoth lettering. Asked what she and Fred (Continued on page 40)

Maestro Meyers Set To Run for 3d Term As Wash. Lieut. Gov.

Seattle, Sept. 17.

The third term proved no obstacle to Vic Meyers, band leader and lieutenant-governor of this state, although it proved disastrous for his running mate, Gov. Clarence D. Martin. Meyers was renominated on the democratic ticket by an overwhelming vote, gathering twice as many ballots as all of his opponents combined.

Martin, gov the past eight years, went down to defeat with Ex-Senator Dill nominated.

Meyers is running a country dancehall near Coulee Dam, and is going to make it dunderbush by spring.

L. A. to N. Y.

Annabella.
Edward Arnold.
Robert Benchley.
David Blankenhorn.
Francis Bileman.
Lou Brock.
James Davidson.
George Dembow.
Monroe Greenthal.
Sidney Franklin.
Bill Hawks.
Nat Hiken.
James Hilton.
Ben Holzman.
Jack Hudgens.
Arthur Kelly.
Roland Kibbee.
Jane Lait.
Jack Logan.
George McManus.
Jack Mulcahy.
Barbara O'Neill.
Harriett Parsons.
Louella Parsons.
Tyrone Power.
George Palmer Putnam.
Tom Revere.
Louise Rousseau.
Tom Rutherford.
Murray Silverstone.
Ed Small.
Frank Ward.
Franklyn Warner.
Dorothy Yost.

THE BERLE-ING PERNT

By Milton Berle

Nearly missed the deadline for this, my second column. I stopped at Proctor's Fifth Avenue to see if there was any mail. Writing this column has kept me so busy, Lindy's is suing me for non-support.

Received a wire from Walter Winchell and he said, 'Congratulations, Just Read Your Last Column.' I wonder what he means? What's Walter Winchell got that I wish I had?

Season finally gets under way. So many theatre and night club openings last week that Broadway Rose had to use a motorcycle.

Went to Capitol to see 'Boom Town'—a Metro-Goldwyn-Rooney picture. Was a little disappointed. Spencer Tracy didn't invent a thing.

Broadway Dept.

The name 'Harl' well represented in the theatre this season. Larry writes lyrics, Moss writes plays, Teddy acts in 'em and Margie undresses 'em.

Over to Stork Club—asked Lucille Ball how she found New York. Said she 'I looked under LaGuardia's hat—and there it was.'

Saw 'Foreign Correspondent'. After seeing this socko production, thought to myself, 'Thank God we live in a country where we planes just to spell out Pepsi-Cola.'

Walked into Theatrical Pharmacy on West 46th street. Was in a hurry. Could only stay for eight acts.

Over to Reuben's, where Oscar Levant enters with young Alf Vanderbilt, causing Henry Youngman to remark, 'They see so much of each other that they're calling him Oscar Levantville.'

At Leon & Eddie's Sunday night, Broadway Sam in formal attire—wearing an evening lumber jacket. Judging by Sam's clothes, he lives alone—and looks it.

At Toots Shor's, heard that Jimmy Walker is now a big figure in the garment industry—which makes him available for the new 'Pins and Needles.'

At Prosser's Beachcomber, musicians' union prexy Jack Rosenberg tells a joke. He starts with, 'I know a musician who is so color-blind that every time he plays the 'St. Louis Blues' it comes out 'Deep Purple'.' (Wow!—Mr. Rosenberg, that joke is like Bing Crosby's children—from Dixie!) This week's motto: 'You Can't Go Wrong With a Feist Song—Unless You Give It to Mills.'

Hollywoodiana

Phil Silvers, wires from the Coast, 'If this is God's country, I'll take Susan.'

Walt Disney never has trouble with his film stars. When he doesn't like a performer he doesn't tear up the contract—he tears up the actor. Told Al Jolson that I just signed with Fox. Jolson said, '20th Century or I.'

Spencer Tracy has stolen so many pictures that they ought to have his fingerprints in front of Grauman's Chinese.

Saw preview of 'Brigham Young'. If Zanuck makes one more costume picture, they'll be calling it '19th Century-Fox.'

I once made a picture that didn't have a sneak preview—it had a sneak run. Jack Oakie was in it and I had some very funny lines—that is, if you can call, 'Hello, Jack' a funny line. If Oakie had stood still for one minute—could I have shown you a piece of acting? I was cut so much in the picture that I was using iodine for makeup.

A Hollywood couple won't get their divorce until their son passes his bar exams. They want to be his first case.

Wilkie Mahoney in from Hollywood. Somebody said to Wilkie that 'Buddy DeSylva was lucky.' 'Sure he's lucky,' replied Mahoney, 'a lucky genius.'

Radio Dept.

Easy Aces are very happy. Anacin, their sponsor, just picked up their second 13-year option.

Knew a radio comedian whose new-born baby was christened in the morning—and they repeated it for the West Coast in the evening.

Radio maestro Johnny Green is listed 'John W. Green' and 'Johnny Green' in a Madison avenue office building. Johnny explains that the 'John W. Green' is for band jobs with fiddles.

Heard a radio band the other night that didn't play 'I'll Never Smile Again.'

A certain radio scripter doesn't ask you, 'What kind of jokes do you want,' but 'Whose jokes do you want?'

Observation Dept.

Monday night the Friars will be at Loew's State to pay tribute to their Abbot—yours truly—and to see how much of my own material I use.

Alan Cross, of Cross and Dunn, tells about an actor who said, 'I'm going into my agent's office for a minute.' His friend said, 'Migawd, are they booking minutes now?'

Passed the Brill building—if all my songs in that building were laid end to end it would take a lot of shelves.

At Adler and Kelly's Tavern, Bert Gordon, of 'Hold on to Your Hats,' put up his own check—he was treating.

Ordered corn saute in a night club. 'Showgirl friend said to me, 'Don't eat that—I wore it in the last show.'

In front of the Gaiety, panhandler says to Rags Ragland, 'Can you spare two bits, buddy?' 'Yeh,' said Rags, 'Flooged Street' and 'Crazy House.'

Erle Stroh knows a girl who eats today as if there is no tomorrow.

Chuck Green wired Oscar Vitt permission for the Indians to win the pennant.

Saw 'Junior Laughs,' but according to the critics, the audience didn't. That wasn't as bad as 'Sautia,' a show I appeared in. We would have closed two weeks earlier, but Chaz Chase ate the first notice.

There's absolutely no truth in the report that Buddy Clark (without the 'e') has a pinball machine in the back of his car so his relatives can help him pay off the notes.

Loew's State won't install a rising orchestra pit, so they make Ruby Zwierling stand up slowly.

Playing the Adams theatre, Newark, Oct. 4. Got a great supporting picture. That John Bunny is a wow.

Whatever Became of—???

Kenny, Nobody and Platt.
Slatko's Midnight Rollickers.
Pipifax and Pantelope.
Medley and Dupree.
Swayne's Cats and Rats.

Afterpiece

Attention—Messrs. Walter Winchell, Dan Walker, Ed Sullivan, Louis Sobol, Leonard Lyons, George Ross, Damon Runyon and Mile. Dorothy Kilgallen: Send material; will credit to you if used.

SAILINGS

Sept. 14 (Los Angeles to Honolulu), Robert Carson (Lurline).

Sept. 20 (New York to Rio de Janeiro) Mr. and Mrs. Charles S. Penson (Argentina).

N. Y. to L. A.

Gene Buckley.
Walter Craig.
Roy Disney.
Vera Gilman.
James Hilton.
Frank Lloyd.
James Roosevelt.
Carleton W. Alsop.
Martha Spot.

Swing and Jackson Head Democracy Council

Formation of the Council for Democracy, with Raymond Gram Swing, radio commentator, as chairman of the board of directors, and C. D. Jackson, vice-president of Time, Inc., as the active head, was announced yesterday (Tuesday). Both were listed as leaders of the new national organization, which seeks to bring together all pro-democracy groups.

Jackson has been granted a leave of absence from his position as general manager of Life magazine in order to devote full time to new job.

PREPAREDNESS PIX CYCLE

Tax Ruling Vs. Berlin Sets Precedent On Revival of Old Tunes for Pix, Stage

Washington, Sept. 17. Tunemsmiths who accept retainers from stage and film producers to deliver music on specific assignments must exercise extreme care in negotiating contracts if they want to hold their income tax payments to a minimum. Under the U. S. Board of Tax Appeals' decision last week in tiff between Irving Berlin and the Internal Revenue Bureau, it is extremely doubtful if songs created for particular pictures or shows can be treated as 'capital assets,' or the revenue, from fabrication can be listed as 'capital gain' against which 'capital losses' are deductible.

In finding that Berlin's 1935 tax return was short \$11,092, the umpires established a principle that may have widespread application. Gist of the opinion by Clarence V. Oppen is that, even though Berlin rewrote a song composed years earlier and sold RKO—for the Astaire-Rogers films 'Follow the Fleet' and 'Top Hat'—tunes he had on hand and never before used, he still was legally an 'employee' and all his compensation was 'income' subject to full tax. The tunemsmith had tried to cut his tax liability by splitting the remuneration and treating some of it as a gain on a 'capital asset,' thus benefiting from a lower rate.

Berlin's Contentions

Argument advanced by Berlin was that the transaction with RKO involved the sale of capital assets (meaning the old, unpeddled tunes), while the Internal Revenue Bureau maintained the contract required him to render personal services. Judge Oppen said that even assuming original work of composition, not rendition of personal services, 'the most that can be said of the contract is that it was a hybrid arrangement, dealing in part with capital assets and in part with the performance of some personal services.' The opinion added that the contract did not specifically call for Berlin to turn over material on hand, with Judge Oppen remarking, 'It seems questionable in the extreme whether the purely fortuitous contribution by petitioner (Berlin) of the result of labors performed by him in pre-

Heinie's Grenadiers Mix Up Pro-U.S. Blurbs With German Melodies

Milwaukee, Sept. 17. Heinie and His Grenadiers, WTMJ's ace commercial, has in the hectic international situation come in for some criticism on account of its German band music, but apparently the program has full Government approval, for the spot announcements sprinkled so plentifully through it include the Federally inspired 'Uncle Sam Needs Me,' calling for machinists, tool makers, shipwrights, lens makers, inspectors, etc., under civil service.

Popularity of the program is unquestioned in this listening area, both with audiences and advertisers. It is on the air daily for the full

PIX EXTRA EARNINGS CUT NEARLY \$1,000,000

Hollywood, Sept. 17. Extra earnings this year will show a drop of nearly \$1,000,000 from the 1939 figure, according to an estimate by producer representatives. There has been a slight increase in the last few weeks, but it is negligible compared to the slump of the first seven months.

Indications point to even fewer jobs the remainder of the year, due to economy measures invoked by the studios following the collapse of foreign markets. Mob scenes are being written out of scripts to hold down budgets.

DeMille May Do Film Story of 'Lost Colony'

Charlotte, N. C., Sept. 17. The story of the 'lost colony' of Roanoke may soon be filmed. Cecil B. deMille, E. V. Richards, of the Paramount directorate and president of the Richards-Paramount theatre chain in the south, and William Pine, associate producer for deMille, recently inspected the 'lost colony' country and are believed planning a production.

'Lost Colony' is a pageant presented annually for the last several seasons at Manteo, N. C., dealing with the 118 persons 'lost' at Roanoke island in 1587. Among the colonists were Eleanor Dare, daughter of the then Gov. White, and his granddaughter, Virginia Dare, the first white child born in America. The group had settled on the island but White, upon his return four years later, could find no trace of them.

Their fate, after more than 350 years, is still a mystery.

CLOSE HOLLYWOOD CO-OP WITH GOV'T

**National Defense Film
Themes on the Way — All
With 'Escapist' and 'Entertainment'
Angles—Accent
on Pro-Americanism in
Army and Navy Adventure**

15 ON TAP

Springing to the bugle call of the United States War and Navy departments for aid in enlisting public opinion on the side of conscription and national defense, Hollywood's film studios are making wide revisions in already-announced 1940-41 programs to include a flock of pictures to whip up enthusiasm for preparedness and the draft. Work on them is being rushed wherever possible.

Few weeks ago studios were loath to admit that anything they were turning out could possibly be classed

Producers, Dramatists Guild Meet This Week on H'wood-B'way Tieup; Coin Problem Holding Back Season

Five of 1,200 Hayloft Players Tested by RKO

Arthur Willi, RKO talent-digger, has returned from his annual trek around the barnyards with a bag of five possibilities out of about 1,200 players viewed. That's a normal average. Willi visited 80 strawhats and his assistant, Marian Robertson, about 15, from Kennebunkport, Me., to Cross Roads, Va. Approximately 500 of the performers o.o.d. were apprentices or otherwise new to legit and had not been seen by scouts before this season.

Several of the prospects selected by Willi have been brought to New York and others are coming within the next couple weeks. Few may be sent to the Coast while Willi will attempt to spot others in Broadway legiters for further experience before shipping them west.

Another move in the long drawn-out objective to woo Hollywood coin back to Broadway will be made this week. Committees representing producing managers and the Dramatists Guild will get together tomorrow (Thursday) with the idea of revising the amendment to the basic agreement referring to picture-backed productions. Last fall the film end rather hotly objected to the amendment, approved by the Guild and providing for picture financing of legit and giving the backer screen rights to the scripts in advance. So Coast coin remained aloof. Basic pact will expire next spring.

Negotiations which led to the amendment were carried on for months between the authors and picture representatives, and when the provisions were deemed unacceptable, the managers never did pass upon the revised agreement, although they were principally concerned. It is the legit showmen who went into action this time, the film people remaining quiescent.

However, it was announced Tuesday (17) that a three-way committee of managers, authors and picture people would confer Thursday (18). Hollywood end declared that after the amendment, which was known as the 'Wharton-Wilk plan,' had been agreed upon, the authors rewrote it without consulting the picture people. Authors never denied having made the changes on their own but said the picture people really intended financing Broadway last season anyway. Picture money was known to have backed more than 10 shows regardless.

Warners continues to be active in legit production, owning the Biltmore theatre, N. Y., which it operates, George Abbott being a co-partner in the property. Firm presented the first new show of the season, 'Jupiter Laughs,' which opened at the Biltmore last week.

(Continued on page 36)



Gunther's 'Inside S. A.' Broadcasts And News Stories

John Gunther, who will leave the United States at the end of this week to gather material for a new book, 'Inside South America,' has been named by NBC to do six broadcasts during his four-month tour below the border. Fifteen-minute airings, similar to those which he did from Europe last winter, will originate in Mexico, Peru, Chile, Argentina, Brazil and Cuba.

Writer will cover all 21 Latin American countries, doing all his traveling by air. He'll start writing on the book upon his return, with publication set for early spring. During the tour he will also do six articles for Readers Digest, proceeds of which he is counting on to cover

BARRYMORE UNLIKELY TO RESUME IN PLAY

Chances are that John Barrymore will not tour in 'My Dear Children.' Disconsolate over his latest and probably final split with his wife Elaine, he is living in his mansion, only Elaine he retains, on Tower Hill, Beverly Hills. His only known companion is the Japanese gardener. In show circles it was stated that if the profile had parted from his mate while 'Children' was at the Belasco, N. Y., the play would still be on Broadway. The 'Mrs.' didn't take with the audiences.

Barrymore does not want to return to the stage. He advised Aldrich & Myers, who produced 'Children,' that he preferred staying on the Coast, where he has a tentative studio deal with Universal. He is under contract with the legit managerial duo through the present season. Firm permitted a lapse of the contract

(Continued on page 45)

as propaganda. Now, with reps of the Government on the Coast in contact with producers, there's no longer any hiding of the purpose of certain films, which is well evident from a title like 20th-Fox's 'Yankee Doodle Goes to Plattsburg.' All of these pictures, however, will naturally have a generous coating of 'escapist' story to preserve their palatability.

So many additions to this new drum-beating type of film are being made and are under consideration that an accurate survey is impossible.

Death of Bill McGuire Recalls His Broadway Writing Idiosyncrasies

William Anthony McGuire, who died on the Coast Monday (15), was a colorful figure along Broadway in the heyday of the late Flo Ziegfeld. Although he became a top scenarist on the Coast, McGuire had a flair of musical comedy successes to his credit including 'Kid Boots,' 'Whoopie,' 'Three Musketeers,' 'Rosalia,' 'Ripples,' and a number of Ziegfeld 'Follies.' Among his straight plays were 'Six-Cylinder Love,' 'Twelve Miles Out' and 'If I Were Rich,' first named being the stand-out.

McGuire was a notorious salesman among authors. He would contract for a show by telling a manager its story. When it came time to deliver the script he would entirely forget what he had told the showman. It was well known that McGuire never wrote the second act until the show went into rehearsal. That was particularly true of shows produced

HIGH PRICE OF GAGS; SUES FIELDS FOR 20G

Los Angeles, Sept. 17. Harry Yacko, writer, filed suit against W. C. Fields in superior court, asking \$20,000 for material and gags used in the film, 'You Can't Cheat An Honest Man,' and on radio programs.

Plaintiff charges he supplied the comedian with the material in September, 1939, and has not been paid.

Tibbett's Throat Ailment Costly; \$50,000 in Fees

Lawrence Tibbett, who took an extended vacation this summer for the first time in many years, has been forced to cancel his fall concert and opera dates because of a throat ailment. It is explained that the singer's vocal chords are not affected, but that the trouble is with a muscle of the larynx. He will take a four-months vocal rest.

According to Lawrence Evans, of Evans & Salter, Tibbett's managers, cancellation of the 25 dates will involve a loss of more than \$50,000 in fees. Pointed out, however, that it may also have various other effects, as a number of the scheduled engagements involved other artists. In the case of several dates with the

DIONNES, PIC NAMES ON CAN. RED CROSS SHOW

Hollywood, Sept. 17. Mutual will do an hour's broadcast in behalf of the Canadian Red Cross, Sept. 29, from the Dominion and Hollywood. Show will open at Calender, Ont., where the Dionne Quints will make their air debut, and then shift to Hollywood, where Allan Mowbray will m.c. the rest of the proceedings.

Among those slated to appear are Charles Chaplin, Ronald Colman, Charles Laughton, Herbert Marshall, Vivien Leigh, Laurence Olivier, Ida Lupino, Madeleine Carroll, C. Aubrey Smith, Anna Neagle, Mary Pickford, Sir Cedric Hardwicke, Binnie Barnes, Brian Aherne, Nigel Bruce, Joan Fontaine, Errol Flynn, the Los Angeles Philharmonic orchestra, the Welsh Chorus of 40 voices, and possibly Deanna Durbin, Jeanette MacDonald and Alfred Hitchcock.

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\$21,887,916 U.S. Amusement 10% Grab, Best Fiscal Year Since '36, Leaves Small Chance for Tax Cut

Washington, Sept. 17.

Wailing of film house operators, legit producers, sports entrepreneurs and other purveyors of amusement and recreation during the 1939-40 season lacked foundation, and the business in all its branches actually enjoyed the biggest grosses in a long time.

This is the unmistakable conclusion to be drawn from analysis of the latest U. S. Treasury admissions tax figures. Preliminary summary for the fiscal year which wound up June 30 shows the Federal Government's grab from the 10% boxoffice tap was the fattest on record, while the increase over the prior annum was the second biggest in the last five years.

Of course, the figures do not reveal how the amusement biz fared from a profit standpoint. While Uncle Sam is deeply interested in that angle the figures available so far do not throw any light on what proportion of the gross could be regarded as gravy or how the net income compared with earnings for previous seasons. The collection figures, however, demonstrate beyond question that the actual volume of patronage was there, although higher admission scales undoubtedly had something to do with the bigger yield to the national exchequer.

The Treasury's recapitulation shows the levy of 10% on every ducat over 41c brought in \$21,887,916 between July 1, 1939, and June 30, 1940. This is considerably above expectations, as President Roosevelt's January 1940 forecast was a take of \$20,500,000 and the original guess contained in his 1940 budget message handed Congress January 1939 was only \$19,200,000.

Above Expectations

So the upturn in business generally swelled the Treasury's receipts from admissions more than \$1,600,000 above initial estimates. Projecting the figures, this means that the gross raked in by proprietors of amusements subject to the gate impost must have turned out some \$120,000,000 fatter than all the business experts and trend interpreters looked for.

Probably more significance lies in the comparison between the 1939 and 1940 increases with the other year-to-year changes. The rise recorded by the Treasury in 1940, \$2,417,114, was second only to a gain of \$2,628,016 noted in fiscal year 1937. Furthermore, the 1940 grab represented a climb of almost \$5,000,000 over a five-year period, since the 1936 figure was \$17,112,175.

With the exception of 1939, the Government has taken progressively more money from amusement patrons in the New Deal era. Which explains why a stiffer levy on admission was included in the emergency schedule imposed to defray costs of the national defense program. As long as this condition exists, proprietors hardly can expect sympathetic listening to their bleats that the Federal tax cuts business.

The official figures for the last five years are:

1940, \$21,887,916; 1939, \$19,470,801; (Continued on page 18)

Cohn's New Col. Pacts Voted on Today (Wed.)

Columbia Pictures stockholders are scheduled to act on new profit-sharing pacts for Harry Cohn and Jack Cohn today (Wednesday) at their annual meeting. Proposed deals to be voted on provide that Harry Cohn may have his old salary (prior to October, 1939) of \$3,500 per week restored and Jack Cohn's, his previous peak of \$2,500 weekly, on a profit-sharing arrangement. This would be on the basis of 12% for Harry Cohn and 6% for the other Cohn, computed after preferred dividends have been paid.

Also, as outlined to shareholders, the disbursement of such additional money as salary would be only when profits shall represent \$1.18 per common share following payment of preferred divvy. Both Harry and Jack Cohn took voluntary pay cuts of 33 1/3% in October last year. Entire new salary payment would be dependent on substantial net profits by Columbia.

Social Clearance

Hollywood, Sept. 17.

Social ecia in Hollywood has developed into a race among the film aristocracy to exhibit the newest pictures in their homes for the edification of their guests. Competition is so strong that feuds are breaking out all around the home circuit.

Some of the boys are using inside influence to demand first runs with two weeks' protection to foil their social rivals.

PIX, RADIO AND CONSCRIPTION

Hollywood, Sept. 17.

Fast checkup by studios, following President Roosevelt's signing of the conscription bill, reveals that star and feature player lists will be little affected by the first call for draftees. No major studio stands to lose more than one or two marquee-tested names.

Stock player lists will be hardest hit. These are made up mostly of youngsters who are going through their novitiate.

Writers and directors are not expected to be in the first call. It is believed that the Government is more interested in technical workers than creative artists and there is some talk that the picture industry may be regarded as essential in the entertainment field. Execs are fully aware, however, of possible criticism from other parts of the country. If Hollywood is merely skimmed over for conscripts.

Coast radio will be hard hit in all departments. Lists are now being compiled by all stations of potential draftees in preparation for making replacements.

PRATCHETT'S 56,000 AIR MILES IN 9 YRS.

With 56,000 air-miles to his credit thus far this year, A. L. Pratchett, Paramount's managing director for Central America and part of South America, claims a record of having flown nearly 500,000 miles in the past eight years as foreign film executive.

Pratchett arrived in New York Monday (16) after having gone 22,693 miles by airplane since leaving Mexico City for the annual sales convention in Los Angeles last spring. This prolonged aerial odyssey took him from the Mexican capital to L. A., then to New York, then to the Latin-American countries including Chile and Cuba and then back to N. Y.

Besides Central America and Mexico, Pratchett's territory takes in many of the new U. S. naval base islands, Venezuela, the three Guianas, Colombia and Ecuador.

James on 'Cowboy'

Hollywood, Sept. 17.

Will James, author and painter of western life, was signed by Metro to work on the story of 'The Saga of the American Cowboy.'

Studio is setting aside big budget for the historical drama.

'Plan', Sperling's Eighth

Hollywood, Sept. 17.

Milton Sperling was handed the production assignment on the remake of 'European Plan' at 20th-Fox, first filmed several years ago.

Picture is the eighth on Sperling's schedule. Kenneth MacGowan has 12, largest number on the lot.

CHI CENSOR NIX LIFTED ON UA'S 'PASTOR HALL'

Chicago, Sept. 17.

Censor board ban of 'Pastor Hall' (UA-Roosevelt) was lifted last week by police commissioner James Allmen who has final authority as to the exhibition of any picture.

This reversal was made after a number of prominent civic persons and municipal organizations protested the ban. Police chief had the flicker re-screened for certain officials in the department, and upon their okay of the picture, ordered the issuing of a clear permit.

Censor board had originally banned the picture because it tended to disparage certain nations. What caused the civic howl is that the censor board had continually refused to okay pictures with any anti-Nazi indications, but readily okayed the showing of 'Blitzkrieg in Poland,' the official German propaganda picture.

NAZI CONSUL IN HUB REVIEWS 'RAMPARTS'

Portsmouth, N. H., Sept. 17.

Dr. Herbert Scholz, Nazi consul in Boston, appeared here with a retinue last week at opening of 'The Ramparts We Watch.' Picture contains footage from 'Baptism of Fire,' German propaganda film, which Nazi government maintains was pilfered by March of Time, which made 'Ramparts.'

Dr. Scholz and his assistants took copious notes on the film, but caused no disturbance. Consul is said to be one of the 'Hitler before the beer hall' men and No. 17 on the Nazi party list.

Welcomes Beef

Louis de Rochemont, MOT producer, declared in New York Monday (16) when informed of Scholz's presence at the Portsmouth opening: 'I'm glad they're still interested.' UFA, German distributing outfit, threatened MOT and theatres which play 'Ramparts' with lawsuits several weeks ago, but to date no action whatsoever has taken place.

MOT, which obtained the 'Baptism of Fire' from the British government's contraband control station at Bermuda, was not at all adverse to UFA's suit. Its desire was to have it filed before 'Ramparts' opens at the Radio City Music Hall, N. Y., tomorrow (Thursday), figuring it a good publicity break.

Hughes Holds Off Pic Prod. to Aid Defense

Hollywood, Sept. 17.

Current demand for war planes is delaying the reentry of Howard Hughes into the film production business. Start of the first of two Hughes pictures for 20th-Fox release, originally slated for Oct. 15, has been pushed back to next January. His verbal agreement with Westwood does not call for any specific delivery date.

Hughes is said to hold airplane motor and radio patents in which the War Department is interested.

Other News Pertaining to Pictures

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Films 'Lone Ranger,' Lee Powell, And Wallace Circus Sued on Title

Coincidental

Charles Chaplin's 'The Great Dictator,' in which the characters have been so obviously modeled after Europe's Axis buddies, will not bear the usual 'Characters in this film are purely fictional. Any similarity between them and persons living or dead is purely coincidental.'

Instead it will have a tongue-in-cheek note that any resemblance between the two characters Chaplin plays, the Dictator and the Jewish barber, is coincidental.

CINEMA COURSE STARTS AT USC

Los Angeles, Sept. 17.

Charles E. Buckley, head of Fox West Coast legal staff, will again head University of Southern California's course in film exhibition and distribution during fall semester about to open. Other film industry names included on the faculty are William Keighley, who will instruct on cinema directing; Boris Moros, teaching music in pictures; William Cameron Menzies, instructing on art.

Dr. Ernst Toch, composer and musical director, will teach music direction, a graduate course. Other members of the cinema department are Warren Scott, it head; Dr. Boris V. Morkovin, A. E. Freudenman, Jack McClelland and Lewis W. Physiol. Total of 28 courses are offered in the USC cinema department, which started its school year (16).

GOLDWYN DUE IN N. Y. ON LEGAL HUDDLES

Samuel Goldwyn will arrive in New York on Sunday (22), following preem of 'The Westerner' in Texas Thursday and Friday. Purpose of his visit to Manhattan is to select an attorney to succeed Max D. Steuer, who died recently.

Steuer was representing the producer in his battle to break away from United Artists. Action is now awaiting trial. Mentioned as a possible choice by Goldwyn as successor to Steuer is George Z. Medallie, former U. S. District Attorney. Length of Goldwyn's stay in the east is indefinite.

Judith Allen Terping, Set for Cafe Tour

San Francisco, Sept. 17.

A voodoo dance being introduced at Fins' Embassy club here by Carlyle and Hollywood's Judith Allen will be used by Frank Tuttle in film production to be released by United Artists. Pair will check in at Hollywood in about two weeks. Following film chore, terp specialty will head east on a tour.

Carlyle and the actress went to the same school together, but the dance affiliation came about by accident. She overheard the dancer outlining his plans for a voodoo dance at a party, and when Miss Allen heard him mention he wanted to try using an actress as his foil, she asked for a crack at the role and got it. Pair opened three-week sesh here after six weeks of rehearsal. Carlyle dons gold paint for tropical twister, performing once nightly only.

Seattle Has a Blackout, Blitz of Another Sort

Seattle, Sept. 17.

Blackouts last Thursday night put theatres out of commission for almost an hour in Olympia, Tacoma and some other towns. But it wasn't a blitzkrieg. Real blitz, with thunder thrown in, did the damage to an electric light plant at Lake Cushman, where power and light flows to the cities affected.

Most of the patrons filed out into the street, looking at the strange spectacle of their town in dense blackness, and then, when the lights went on again, stepped into the show shops and saw the rest of the pix.

Spartanburg, S. C., Sept. 17.

Lee Powell, 'The Lone Ranger' in a picture serial and allegedly thus billed in Wallace Bros. circus, journeyed from Spartanburg to Greenville, S. C., a few days ago—along with the circus—and ran into a \$250,000 lawsuit. Circuit Judge G. B. Greene, of Anderson, S. C., presiding in Greenville common pleas court, signed an order providing that C. C. Cox, doing business as Wallace Bros. Circus & Powell shows, show cause at 10 a.m. Sept. 19, why he should not be enjoined from making 'improper' use of the name, 'The Lone Ranger.'

Plaintiff in the action, Lone Ranger, Inc., Detroit, Mich., was represented by the legal firm of Price & Fosg, Greenville; W. A. Bull, Greenville; and Raymond Meurer, Detroit. Papers were served by a deputy sheriff on Cox and Powell, probably the first time the 'Lone Ranger' actually was ever really served by a genuine sheriff—at the circus showgrounds.

Cox, at that time doing business as Barnett Bros. circus, and Powell, were permanently enjoined June 14, 1939, in the middle Pennsylvania federal court as follows: (1) From using line or lines 'Hi Yo Silver' or 'Hi Yo Silver, away' in any printed advertisements or radio broadcasts connected with the appearance of Powell; (2) from using name and title 'The Lone Ranger' in any manner or form except in connection with the former employment of Powell by Republic Productions, Inc., as the individual who portrayed the character, Allen King, in the pic, 'The Lone Ranger,' and who appeared unmasked as 'The Lone Ranger' in the 15th chapter of serial; (3) from announcing, advertising or representing that Powell ever played 'The Lone Ranger' on the plaintiff's radio programs, and (4) from making any representation which might lead the public to believe that Powell is or ever has been identified with the broadcast.

Pennsylvania decree, however, provided that Powell should not be barred from publishing that he is individual who played part of Allen King and was unmasked as 'Lone Ranger' in motion picture serial.

Judge Greene's order restrained Cox and Powell from committing any of the acts barred by Pennsylvania decree.

Complaint against two defendants stated upwards of \$1,000,000 had been spent in exploiting 'The Lone Ranger' and plaintiff has issued licenses to many manufacturers of goods to be sold under name and style of 'The Lone Ranger,' thereby asks \$250,000 damages. 'Lone Ranger' radio programs currently plug Merita bread and cake products.

PAR AND DON AMECHE SETTLE; CAST IN 'KISS'

Hollywood, Sept. 17.

Paramount has dropped its Federal Court action against Don Ameche and the actor goes into the studio's production of 'Kiss the Boys Goodbye,' with Mary Martin.

Suit resulted from Ameche's refusal to appear in Paramount's 'Night of January 16th.' Studio contended his walkout caused a loss of \$170,000.

Studio Clamping Down On Leg 'Art' Mags

Hollywood, Sept. 17.

Studios are currently trying to devise effective ways of clamping down on magazines thriving semi-nude art. More than half-a-dozen of these 'art' pubs, some sponsored by dignified publications, have been preying on the studios for leg art with annoying consequences. Publicity heads are using barbed wire to solicit art for one mag and touch it up for cheaper pulps.

Also under fire are captions made suggestive, in cases where the pictures are too mild to suit the editors. Sprinkling of film names among undraped burly and nifty gals is held objectionable on the score that it indicates studio operation in such layouts.

WAR SPENDING AND THE B.O.

MAJORS GET 'BREAK'

In the big act entitled 'U. S. Government vs. the American Film Industry,' which is swiftly drawing to a close, the star roles have been played by the high priced downtown law firms that were hired by the film companies to defend the anti-trust action. After two and a quarter years of legal fencing, shadow-boxing and demurring, settlement negotiations have been brought around to the point where a consent decree is about to be signed by both sides, and approved by the court, the principal feature of which is an agreement by the Government not to start any theatre divorce proceedings against the film companies for at least three years.

When the suit was originally filed in June, 1938, the Government attorneys declared, and the bill so stated, that divorce of theatres from producing-distributing functions of the companies was the sole solution of the monopolistic snarl of the film business.

With divorce sidetracked, the second most important relief demanded by the Government was the abolishment of blockbooking and blind-selling—a trade practice through which, it was alleged, thousands of theatre operators were deprived of their free choice of film subjects. Under the terms of the consent decree the companies are ordered to cease and desist from blind (whole year) selling, and are ordered to limit sales to groups of five pictures, or less, after the films have been exhibited at trade showings.

Considering that exhibitor efforts over a number of years have been directed towards the establishment of some uniform system of cancellation, a principle which most distributors were quite willing to accept, the substitution of the five-picture group plan, as opposed to selling in larger blocks with cancellation privileges, may be termed another victory by the film companies under the settlement.

Third and most elaborate of the consent decree provisions is the plan to establish a national system of arbitration of trade disputes arising between film exchanges and theatres and between competing theatres. Under this section it is proposed that the highly technical and constantly annoying arguments over film clearances between theatres may be amicably and expertly adjusted, taking into account the factors of film rentals, admission prices and exhibition standards.

Previous arbitration in the film industry was declared illegal in the Federal court on the ground that arbitration was 'forced.' It has not been made clear by Government attorneys handling the present settlement by what process the former legal prohibition is to be avoided. In other words, if an independent theatre does not wish to be drawn into an arbitration over clearance, will the framers of the new decree find some legal avenue by which the dissenting exhibitor may be led to arbitration? On this issue, rather than the more widely discussed (and cursed) five-picture selling scheme, the legality of the decree is likely to be tested in the courts.

There is wide difference of opinion among film men as to the probable effect of the consent decree when its provisions shall become operative with the 1941-42 selling season. All agree, however, that smoothly running industry routine is in for some major readjustments. Picture selling in small groups, as contrasted to the present seasonal negotiations, will keep theatre operators hustling throughout the year to maintain a steady flow of product for their houses. Disturbance of the prevailing clearances in New York, Chicago, Philadelphia, Los Angeles and other key cities will throw distributor-exhibitor relations into a turmoil for indefinite periods.

However unsettling the application of the decree may prove to be, its purpose will have been served if it brings about a condition within the industry by which producers are encouraged to make better pictures (because they can earn more money under the new selling scheme) and if independent exhibition is encouraged (because the market for buying pictures is opened).

There is no guarantee that either of these things will be accomplished.

Foreign Situation On Hays Meeting Agenda

Third quarterly meeting of Motion Picture Producers & Distributors Assn. is scheduled for today (Wednesday), having been postponed from last Wednesday. Foreign situation promises to form the principal topic for discussion.

Will Hays, head of MPPDA, arrived in N. Y. from the Coast last Saturday (14).

Rep. Grabs Off 'Sierra Sue' for Song-Title Pic

Hollywood, Sept. 17. Herbert Yates okayed the purchase of 'Sierra Sue,' to be developed into a Republic feature in competition with Universal's current song-title cycle.

Before leaving for New York the Republic chairman set starting dates on four pictures slated to roll before the end of September, beginning today (Tues.) with 'The Mysterious Dr. Satan.' Following are 'The Gangs of Kansas City,' Sept. 20; 'Two-Gun Sheriff,' Sept. 28; and 'In Old Cheyenne,' Sept. 30.

DETROIT SEES ITS BENEFITS LATER

Brooklyn (Navy Yard and Sperry Plant) Feels Upbeat All Summer—Munitions Money Will Aid Amusements Generally.

RISE NOTED

Detroit, Sept. 17. Full force of the armament expenditures won't be felt in a spending spree for another six months. That's the view here where some of the biggest war orders, coming close to the \$1,000,000,000 mark, have been pouring in. But the promise of such heavy sugar has loosened up the flow of money.

'It will be six months to a year before we get any substantial benefit from armament contracts, but then a definite boom is due in Detroit,' Earl Hudson, head of United Detroit theatres declared. Other downtown merchants were of the same view pointing out that the big money won't reach the average workers until the factories are tooled for major production. Tool and die-makers are catching plenty of work already in all parts of the country but until they clear the way the money won't reach the bulk of the workers.

However, managers of Detroit's neighborhood houses have detected a rise in business. Their views are that while the new national pump-priming may not have placed the added money in the workers' hands it has engendered a spirit of optimism and made them less reluctant to part with their present earnings. Seeing plenty of work ahead, the average guy is spending on a small scale right now, reflected in the steady increase of attendance in the neighborhoods.

Brooklyn's Upbeat

Business at Brooklyn film theatres has been on the upbeat during the last two or three months, attributed to the U. S. preparedness campaign. Several houses reported the best business in the past summer they've had in several years, with Fox Brooklyn, credited with topping any previous hot weather period in the last six years.

Presence of navy yard in Brooklyn, where several giant contracts are keeping men busy, and the new business by the Sperry plant are largely credited with the new wave of prosperity. Sperry factory makes trick gadgets for use on naval vessels and airplanes. Because of additional military jobs and the long time needed on present ones, business pickup is expected to continue for a year or more.

Skouras (Judge Manton) Trial to Be Set Next Mon. (23); Schenck Later

Date of trial for George P. Skouras, the Skouras Theatres Corp., and Harvey B. Nevins will be set on Monday (23) in U. S. federal court. Judge Alfred C. Cox on Monday (16) decided. In the interim, the Government will determine when the case can be placed on the calendar.

The defendants are charged by the U. S. with having conspired to bribe former Judge Martin T. Manton, by paying him \$30,000, in return for which assets of Fox Theatres Corp. were turned over to Skouras after closed bidding had been held. The Government will probably ask for a late October or November trial.

It is still undecided as to whether the Joseph M. Schenck tax case will come up before the Skouras trial. The death of Schenck's counsel, Max D. Steuer, has held up the schedule for the U. S., which may now have to grant Schenck a considerable

D. C. Sees Justice Dept. Stringent With Pix, Even If Consent Is Okayed

Oxygen for Par Actors

Hollywood, Sept. 17. Paramount is setting a new high in film drama with its 'Shepherd of the Hills' troupe, working 9,000 feet above sea level and requiring oxygen for the gasping thespians.

Company is working at Moonridge in the San Bernardino mountains, with a doctor and two assistants pumping gas into the actors whenever necessary.

63% IN CANADA DOUBLE-BILLING

Montreal, Sept. 17. Figures on theatre attendance and statistics on operation of 1,188 picture houses last year, released by the Dominion Bureau of Statistics, reveal that double-billing is on upgrade and growing in popularity in majority of Canadian centres.

Of 676,773 programs presented last year 63% were double-feature bills and 37% solos. Figures also indicate that double features are on decline in the West and on upgrade in eastern part of the Dominion.

Bluenoser Challenges H.M. Warner to Debate On Sunday Pix in Pa.

Philadelphia, Sept. 17. Taking a page out of the book of Wendell L. Wilkie, the Rev. William B. Forney, general secretary of the Lords Day Alliance, last Friday (12) sent a letter to Harry M. Warner, challenging the WB prexy to a public debate on the question of Sunday films.

Dr. Forney, chief exponent of the Blue Laws, defied Warner to meet him anywhere in the State of Pennsylvania to speak in defense of the Sabbath pix referendum to be voted on in several communities this November. The reformer suggested Harrisburg as an 'ideal site' since the Capital, now shut tight on Sunday, is balloting on the question the coming election.

'It has always been my policy to allow my opponents the right to discuss their side of the question,' Forney wrote. 'Since the motion picture interests, which you represent, are trying to force Sunday films in communities that voted five years ago to ban them, I ask you to come here and tell the people why they should have them.'

Dr. Forney said that if Warner does not accept his challenge to debate he would campaign 'regardless' in the territories in which Sunday films are to be voted on.

'In fact,' he said, 'I'd like to meet all the Warner brothers at once.'

Forney last week dropped his plan to buck Sabbath films at a referendum in Philly this November because 'in view of the political and world situation the time was not propitious' here.

Lloyd Bacon Loaned Globe by Warners

Hollywood, Sept. 17. Globe Production borrowed Lloyd Bacon from Warners to direct 'Martin Eden,' slated to roll Dec. 2. James Roosevelt outfit is dickering for the loan of Geraldine Fitzgerald to share top spots with Franchot Tone.

delay. It is still hoped to be able to try both cases by the end of the year. The Schenck matter had been set for Oct. 3.

Washington, Sept. 17. Even if the consent decree goes through, the Justice Department does not intend to turn the film industry loose to operate as it sees fit within the limitations imposed by the pact still under negotiation.

This word was given by an authoritative source as Attorney General Jackson said no recommendations have been submitted to him by Assistant Attorney General Arnold so far. The D. of J. head said he has a copy of the document and assumes his trust-busting side feels there is a good chance of reaching an understanding, but made it clear he has not decided yet whether the proposals will be satisfactory.

The willingness to shelve demands for divorce of exhibition should not be interpreted, a prominent official emphasized, as evidence of official surrender. The Department has not abandoned its feeling that integration of the cinema industry is contrary to public interest, so that the request for an injunction compelling integration may be dusted off if the pact does not go through or the contemplated new distribution system does not cure the evils which prompted the New York suit.

In other words, recalcitrance on the part of the majors will be countered by renewed effort to sever the ties between Hollywood and Main street. That may happen in the near future or be held in abeyance during the trial of the five-picture rental idea. Feeling that integration is bad and conflicts with the anti-trust laws has not diminished, as is evident from the continuing desire of the Justice Department to force the oil industry to break up. The oil suit has not been filed because the Defense Advisory Commission fears it might disrupt the program of preparing for war, but if the trust-busters finally fail to ask the courts to separate refining from marketing it will be only because existing circumstances make it unwise to go forward.

Draft of Decree Soon

Draft of the consent decree order which is being prepared for presentation to Judge Henry W. Goddard is expected to be completed on Friday (20) and the film anti-trust lawsuit will be officially declared off the trial docket when Federal court resumes on Oct. 7. Copies of the document will be distributed among the film companies for study and approval some time next week.

Supplementary to the decree, Government and film company counsel are completing the rules, regulations and procedure which will govern the system of national arbitration of industry disputes under the administration and management of the American Arbitration Society. Members of the arbitration committee are Frederick Fride, Stanley Thompson, both of the society, and Joseph H. Hazen, of Warner Bros.

Although exhibitor groups are continuing their protests against the five picture group-selling plan outlined in the decree, there will be no change in that provision.

Cal. Rains Coming Early, Studios Speed Up Prod.

Hollywood, Sept. 17. Threat of unusual weather in the offing is causing a flurry among picture producers, who are hastening the filming of outdoor footage to beat an early wet season. Old Man Winter, according to climate hand-cappers, will arrive ahead of schedule this year, accompanied by clouds and rain. Low temperatures in June, July and August, they explain, are always followed by untimely chill and dampness.

Studios are revising their production schedules to avoid delays due to leaden skies.

'Thief,' Chaplin and 'Fantasia' Waiting for B'way 2-a-Day Houses

Decision of Alexander Korda to roadshow 'Thief of Bagdad' in New York makes even more pressing the shortage of potential two-a-day houses. United Artists, which distributes the Korda product, has made no arrangement yet for a theatre and is, in fact, still fishing for the best possible deal on a house for the best of Chaplin's 'The Great Dictator'. Walt Disney is also on the market for a roadshow theatre for his 'Fantasia'.

Korda pic was—and still is, officially—booked into the Music Hall, which, because of other commitments, couldn't open it before Thanksgiving. It was because of a desire to avoid the delay that the roadshow decision was made. Pic has been ready for release for several weeks and the anxiety to preem it in New York was holding up other bookings. Opening on Broadway, according to the Korda office, will be held before the end of September.

Music Hall, up to yesterday (Tuesday), declared it had no official notice that 'Bagdad' would not play there. Execs stated that, despite UA publicity concerning the roadshowing, its permission would have to be obtained for any N. Y. release other than the Hall. M. H. will not play the pic, of course, after it has been roadshown.

Korda's plan to roadshow the film was made known at a confab of UA division salesmen in New York Saturday (14).

Following the meeting it was decided to send Monroe Greenthal, UA exploitation head, to the Coast for confabs with Korda on plugging the new 'Bagdad' policy. Greenthal left on Saturday, flew from Hollywood to Chicago yesterday (Tuesday) for the opening of 'Foreign Correspondent' and will return to New York tomorrow (Thursday) for 'Pastor Hall' preem at the Globe.

Center Eliminated

Shortage of roadshow houses is heightened this season by turning over of the Center to an ice show. That leaves only the Hollywood and Astor in the reserved seat class. Astor, which has been playing 'Gone With the Wind' since last December, appears set to continue inasmuch as the giant speculation also covering its future has just repaginated last week. Negotiations, however, are going on with Loew's, ops of the Astor, by both Disney and UA.

Disney may take a legit house, as his pic requires installation of special projection equipment anyway. UA has been offered a score of deals for 'Dictator', including that of the Brandt Bros. for simultaneous 24-hour grind at \$110 top in the Central, Globe and Rialto. This appears call at the moment, although a decision must be made quickly, as the film is ready for release.

Rivoli has been reported anxious to get 'Dictator', but has a pact with Walter Wanger by which his 'Long Voyage Home' must go in after his current 'Foreign Correspondent'. This will carry the house until the beginning of November, it is estimated, which is longer than the Chaplin pic can hold. It is said, however, UA might bring pressure on Wanger to let 'Dictator' go in next on promise of giving him a break on 'Voyage' at some other house later and on other lines in the future.

B. S. Moss has been approached for his Criticism to house Disney's 'Fantasia'. World preem of the pic has been set for New York within five days either way of November 14. Date was arrived at by Roy Disney, g.m. of the cartoon works, in confabs with Hal Horne, eastern rep. in New York. Disney will return to the Coast on Friday (20). Special publicity staff headed by Richard Condon is pushing plans for an unveiling shindig, which will include the presence of Walt Disney, Leopold Stokowski, who did much work on the pic, and a number of topnight instrumentalists. Ad and publicity campaigns will be concentrated in newspapers until the opening, when breaks will be set in mags. First stills arrive in New York today (Wednesday).

AIR ACTS IN REP PIC

Hollywood, Sept. 17. Republic tied up four radio acts for featured assignments in the Armand Schaefer production, 'Barnyard Follies', to be directed by Frank McDonald.

Either skits to be transferred to the screen are the Cackle Sisters, the Checkerboard Band, the Kidoodlers and Mrs. Uppington.

Studio Contracts

Hollywood, Sept. 17. Marjorie Main drew a player ticket at Metro.

RKO picked up Renee Hall's option.

Metro renewed Walter Reisch's writer pact.

Warners hoisted Suzanne Carnahan's option.

Metro handed Charles Lawton a new cameraman ticket.

James Craig inked a player deal at RKO.

Warners picked up its option on Robert Haas as art director.

Robert Sterling's player option was hoisted by 20th-Fox.

20th-Fox exercised its option on Gene Tierney's services.

LOEW'S TO SOLO 'BOOM TOWN' IN N. Y.

Decision to single-feature 'Boom Town' in all of its houses in the New York territory was reached by Loew's over the weekend. It had been previously decided to advance admissions and extend runs on the film, which boasts four top star names. Last pic they tried the policy on was 'The Great Ziegfeld'. After several engagements it was found necessary to revert to duals.

Metro is powerless, by virtue of the decision in the Perlman case in Philadelphia, to demand that indies also single-feature the picture. It is hoping, however, that they will follow the lead set by Loew's.

Runs on 'Boom Town' in most cases will be extended only two days. Virtually all of the chain's houses operate on a policy of running one pic five days and the next one two days. 'Boom Town' will play a full week. Extensions beyond that throw the whole release schedule out of kilter and tie up subsequent runs, it is said.

Boxoffice Starts To Feel Effect of Politico Speeches on the Radio

Just how the Presidential campaign this fall is going to dent the film theatre boxoffice was tipped last week when President Roosevelt spoke on a national hookup, right when most theatres expect their best business. Eastern exhibitors estimate that several million, who ordinarily would attend their favorite film house on Wednesday night, remained home to hear F.D.R.'s radio speech.

With Wendell Willkie starting his western tour also last week, exhibitors throughout the country fear that his radio talks may shortly be vying with Roosevelt for listening audiences.

President's speech went on late enough so as not to cut too deeply into eastern theatre business although even along the Atlantic seaboard the Roosevelt competh was distinctly felt at the b.o. In the middlewest and past the central-time belt, the Democratic nominee's speech came on the air just when theatres were expecting the peak of their Wednesday night crowds.

Smarter exhibitors, who originally had set new pictures for opening on that Wednesday night, re-shuffled schedules to duck the Roosevelt speech, starting new programs either on Tuesday or the following Thursday.

Feature that most exhibitors detest about the present Presidential election campaign is that it will be perhaps the most bitterly contested one in 12 years or more.

NOT SO LUCKLESS

Hollywood, Sept. 17. Ida Lupino, currently in 'High Sierra', is slated for the star spot in 'Hard Luck Dame' at Warners.

Play is built around a story by Robert Presnell.

The Changing Higgineses

Hollywood, Sept. 17. Revamping of the cast of the Higgines Family series at Republic was completed with the signing of Polly Moran to replace Maude Eburne in the role of Widow Jones. Next of the set is 'Meet the Missus', starting this week, with Mal St. Clair directing and Robert North producing.

In the new lineup Roscoe Karns is substituting for James Gleason, Ruth Donnelly for Lucille Gleason, George Ernest for Russell Gleason and Spencer Charters for Harry Davenport.

R. E. GRIFFITH'S TAKEOVER OF OK CIRCUIT

Fort Stockton, Texas, Sept. 17. The Grand here, as well as houses in 15 other towns operated by the Oskar Korn circuit in West Texas, has been absorbed by the R. E. Griffith group. Understood the Griffith group has the option to purchase outright, if so desired. Only theatre not effected by the deal is the new Lisbon at Dallas which may also be included later on.

Other towns in which the Griffith interests gained houses of the OK group were Alpine, Bracketville, Canadian, Crane, Grand Falls, McNamee, two at Marfe, two at Monahan, two at Pecos, two at Quannah, three at Sterling and a house at Pyote which is closed at the present time.

WB's \$30,000 for Biog; Col. Lapses on Cronin Yarn; Other Story Buys

Hartzell Spence, promotion manager of United Press, is author of the biog of his father purchased by Warner Bros. last week. Titled 'One Foot in Heaven—The Life of a Practical Person', it will be published in book form next month. Warners paid \$30,000 for screen rights.

Metro and 20th-Fox were in on the bidding for the book, which was bought from galley proofs. Casey Robinson has been assigned to prepare the scenario and WB declared it will seek an actual Methodist minister to play the title role. Spence, in addition to being promotion head of UP, is in charge of the division handling special service to Newsweek, Time mag and other such accounts.

Columbia last week dumped overboard \$10,000 it had invested in an option on Dr. A. J. Cronin's story 'The Valorous Years' now running in 'Good Housekeeping'. Studio, during the winter, had paid the 10 grand against a \$50,000 purchase price for the novel before it was written. It was to be a Wesley Ruggles production. Several other majors are now interested in the property.

Price tag of approximately \$25,000 was placed on screen rights to 'Moon Tide', novel by film player Willard Robertson, last week. Agent Sydney Sanders had refused to put a figure on the book until it was published. William Hawks, RKO producer, is among those negotiating for the screen rights.

Lewis Milestone last week purchased a two-year-old short story, 'Singing Beauty', written by Guy Collier, first published in Harper's Bazaar in 1938. Highly unusual story is of a gal suffering from sleeping sickness who is exhibited in a sideshow. Guy 'buys' her and employs doctors to awaken her. She proves to be dumb and vicious, and her 'purchaser' refuses to get her any further treatments, allowing her to lapse into sleep again.

Miss Howell at L. & L.

Miriam Howell, former eastern story editor for Samuel Goldwyn, joins the Leland & Lyndon agency next Monday (23) to handle literary sales to motion pictures.

Miss Howell for the past eight months or so has been head of the legit play department of the Leland Hayward office. In on a percentage she found it impossible to dispose of enough material in the limited market to make the connection profitable.

OF PEOPLE AND PLACES

By The Skirt

Best Dressed Woman of the Week

ROSALIND RUSSELL
(Strand and Roxy)

Rosalind vs. Kit

At the Strand, Rosalind Russell in 'No Time for Comedy' out-Cornell Katharine. Being one of the greatest actresses, Miss Cornell must suffer by the magic of the screen. Too bad she doesn't like pictures, but lucky for Miss Russell, who gives a magnificent performance.

Miss Russell's clothes were all lovely excepting one tailored suit worn with a hat fit for a two-year-old kid. Almost all the clothes were of the prevailing mode, long skirts and long sleeves, high neck. The park episode showed Miss Russell in a stunning coat-like affair beaded in wide apings. A white feathery dress was the only theatrical-looking gown. Jewels, too, lovely.

Whoever made up Genevieve Tobin's eyes must have had a grudge. Her part seemed purely incidental. But clothes, nice though fussy. One full skirt of meline had heavy silk top. A black evening gown fluttering with leather butterflies was worn under an ermine wrap. An organza has the old-fashioned eyelet. Louise Beavers was the 'perfect' maid in grey uniform.

The stage show had Larry Clinton with but one female. Miss Sue Bryon, inevitably English, wearing a black crepe with short white bolero.

Going to the Strand is like going to a triple-feature show. Much too much show. And the ushers on the mezz floor over-efficient.

Rosalind Russell vs. R.R.

It's just a gutter jump from the Strand to the Roxy. At both theatres Rosalind Russell is holding forth as star of two pictures, at the Strand in 'No Time for Comedy', Miss Russell is a serious legitimate actress while at the Roxy she is a jittery secretary to that actor of actors, Brian Aherne. The picture, 'Hired Wife', is the goofiest of those comedies so persistent the past year. This may be goofy, but it is the funniest. Miss Russell has such a sense of comedy it must be a pleasure directing her. The office and apartment of Mr. Aherne are the last word in Hollywood imagination.

Clothes set easily with Miss Russell. Her office clothes are the tailored type, well styled and becoming. A gown of lame was covered by a unique taffeta evening coat, three-quarter length, and cut in two deep points.

Virginia Bruce, the other woman, showed a rather fussy wardrobe mostly full skirts, some prints and plenty sequins. Hair worn in sophisticated fashion.

The fashion prevailing for hair comb, pompadour is not becoming to LaRussell.

The Gae Foster Girls in a rhumba number wore long black pants, chaurseuse, feathered blouse and sombrero hats of black, coral and chaurseuse. Shirley Ross, leading the stage show, was lovely in a long white lace gown, square cut neck and short sleeves.

'Face' La Marr

The Capitol marquee carrying such names as Tracy, Gable, Colbert and 'Face' La Marr is quite enough. What matter the picture, but the picture does matter it is so full of excitement.

Colbert goes from rags to riches—and even the rags were well cut; but in the money, Miss Colbert does wear some lovely clothes. Furs and accessories play an important part. That's strictly up-to-date and becoming. This young woman has the happy faculty of stepping from a band-box.

Miss La Marr's clothes run to the exotic. Black slacks worn with white coat. The off-the-face hats are a pushover for this young woman. All you can say about Miss LaMarr is, she is fortunate having this face. Minna Gombel as the owner of a honkytonk night club was nice in the usual jet flash.

'Luncheon at the Waldorf'

'Luncheon at the Waldorf', sponsored by Camel cigarettes is a darn good program. Right up any woman's alley. But there is plenty room for improvement. Script is too stereotyped and obvious. Ilka Chase, the star of the program, is getting a great break by both Camel and the Waldorf. The broadcast is given in a small ballroom with at least 30 tables and luncheon served. The menu Saturday consisted of fruit cup, breast of chicken or ham, broccoli, potato puffs, strawberry ice cream and coffee.

How these tables are filled is a matter of conjecture. Saturday last was a full house. Miss Chase stands at the mike full 30 minutes with at least six attendants, one man leading the applause.

Thyra Samter Winslow and Pegeen Fitzgerald were among the luncheoners. Miss Chase looked chic in a sports outfit consisting of black and white tweed skirt, black jacket with brass buttons and white blouse. First guest speaker was Dorothy (Mrs. Richard) Rodgers. She spoke of her mending business, Repairs, Inc. Very composed at the mike was Dorothy who wore a black dress and beige hat.

Another guest speaker was Mme. Schiaparelli, dressed very tailored in purple jacket with three-layer pockets and black skirt. Her well known turban was of purple. Mme. was uneasy at the mike, stumbling at different points. Her daughter Gogo is far from a radio personality. If Mme. made daughter's outfit, give me Grace Menken or Sonia. A pale blue suit striped in white had coral pockets.

Whoever writes Miss Chase's script has caught her rare wit and breezy personality. Paul Baron's orchestra supplies the music. Edna Woolman Chase, editor-in-chief of Vogue, can well be proud of her daughter. And while on the subject of career women, let's mention Jerry Morris, wife of Bill, Jr. Jerry is in the picture-framing business, and not in the ordinary sense of the word. Jerry frames her pictures in fur and takes boudoir hangings and frames the pictures in the same material. And are they swell! She did a gorgeous job for Mrs. Ben Bernie.

In Short—You Don't Miss Much

Being a radio fan the machine goes on 8 a.m. and is on all day, listening to certain favorite programs, but some are favorites no longer. Having been away seven weeks and returning to the morning sketches and they are just where they were seven weeks ago. A few changes, but the changes are laughable. The script-writers should be spanked.

A situation in one sketch is sure to pop up in another sketch eventually. For instance, Mary Marlin's husband was crashed in Russia, losing his memory, so Bess Johnson of Hill Top—her love crashes in S. A. with memory gone. Now Helen Menken's Grant is going to S. A. and we'll be surprised if he doesn't crash. And weeks ago 'When a Girl Marries'—a girl in an auto crash loses her sight, so now 'Bachelor's Children' has the same situation. Could go on from program to program, but haven't had a chance to catch up quite yet.

A word should be said of the commercials; something should be done to limit them to one minute, but blessed be that little knob that turns off commercials when not well done.

Defying the Jinx

Mrs. Carl Brisson is at the Navarro after a serious operation. Later between Westchester and Jamaica for the convalescent period. Had a few friends in for her birthday on Friday the 13th.

Virginia Smith and Gus Fleischmann other Friday the 13th celebrants.

AFL SEEKS STUDIO CONTROL

Bernhard (WB) Favors Gen'l Price Tilt Rather Than on Special Pix

Problem of whether to boost admission prices on individual screen productions or to raise the theatre's whole scale of prices continues to attract the attention of the industry this week. Joseph Bernhard, Warner Bros. general manager of the theatres, has come out in favor of gradually lifting the regular admission scale wherever conditions warrant it.

Bernhard declared that the variable price policy by film theatres is resented by the public because "if you raise the price on a big picture, they ask why you don't lower the price on the smaller picture." He summarized the situation after surveying results of recent increases in prices for specific films.

Claiming that the picture business was built up on the film habit, he said: "If we single out individual productions for price increases, the public is more apt to single out those pictures for increased attendance and let the others go by. Increased prices on individual pictures are contrary to the principles upon which this business became the greatest mass entertainment."

Admitting that Hollywood needs more gross in order to recoup foreign losses and that it deserves to get much more money than it is now getting from the American picture public, Bernhard contended that the way to get more money for the theatre as well as the studios is to do what we have been doing in Warner theatres since last September. This is to gradually raise the regular admission scale wherever conditions warrant such increases.

Prices Too Low
"Motion picture admission prices are too low," he said, "because over a period of years we have discounted the value of our merchandise. Any theatre organization or individual exhibitor that will give the proper consideration to the problem of increased admission will find that the policy of a raise in regular prices is much more acceptable to the public than an occasional boost."

"It is a mistake to underestimate the intelligence and the shopping skill of the public when it comes to buying entertainment. When you increase the regular admission prices, the public accepts it as part of the general movement of commodity prices; sometimes they're up, sometimes they're down. If the industrial condition is healthy, the town prosperous, the theatre well liked, you will hear very little grumbling about the increase."

"But when you raise the price of an individual picture, the public thinks you are taking advantage of their special desire to see a certain picture, and they resent such action. They consider it a holdup, and not a legitimate movement of prices."

105 WB Mgrs. at Philly Pop Meet

Philadelphia, Sept. 17. Importance of merchandising films in order to gain the maximum returns in view of the curtailed foreign market was the theme of the annual managers confab held in the Ritz-Carlton hotel here on Wednesday (11) by the Stanley-Warner circuit. The huddle which lasted all day was attended by 105 managers and chain execs. Main speakers were Joseph Bernhard, general manager of the S-W theatre chain; Ted Schlager, Philly zone chief; and Harry Goldberg, circuit advertising boss.

Automobiles to the three outstanding managers of the year were presented by Bernhard. Recipients were Bill Lafferty, Liberty; Herman Conner, Capitol; and Louis Black, Warner, in Wilmington. Bernhard said similar prizes will be awarded next year.

The effect of the consent decree was discussed by Lester Kriger, chief broker of the circuit. Others who spoke were J. Ellis Shipman, contact manager; Everett J. Callow, publicity chief; Joseph Feldman, personnel head; Robert Mills, in charge of maintenance, and William

Yellow Peril?

San Francisco, Sept. 17. Both local newsreels have material for swell spy-scare story. In each house of late Japanese customers have been observed with cameras, snapping war scenes.

Major task of managers has been to prevent perpetration of mayhem by irate stool-warmers, all eager to pulverize Fifth Columnists.

N.Y. Fair Influx Upped Early-Wk. Biz on B'way

Material increase in business on Mondays, Tuesdays and Wednesdays this summer and right up to the present time has been felt by Broadway picture houses. Habits of visitors in town for the N. Y. World's Fair is held responsible for this upbeat early in the week. Same tendency was felt last year, first one for the exposition, but it's been more noticeable this season because of the high number of rainy, cold days during the normal vacation period.

While tourists are drawn from outside to New York primarily by the exposition this year, they have not been spending much time out on Flushing Meadows when the weather is bad. Instead, they flock to Broadway theatres, cinemas with stage attractions getting the bulk of the patronage. Inclement weather late in August and early September materially helped grosses in Broadway film theatres, and it was this factor which also enabled them to get more than the anticipated share of Fair patronage. It is given as the best explanation for the early-in-the-week tilt in business.

NATHANSON'S GIFT TO CANADIAN AIR BASE

Montreal, Sept. 17. N. L. Nathanson, president Famous Players (Canadian) Corp., Ltd., covering around 600 houses in Canada, is getting Dominion-wide congratulations on his gift of a modern recreation centre at Trenton, Ontario, major air-training base in the Dominion.

The airman are to have two football fields, quarter-mile track, a sprinting track, softball diamond, jumping pits, volley-ball courts and an outdoor skating rink, together with a grandstand capable of accommodating 600 spectators and equipped with dressing rooms, showers, store rooms, etc.

'Before Fact' Finale On Hitchcock's RKO Deal

Hollywood, Sept. 17. Alfred Hitchcock's second directorial effort under his two-picture deal with RKO, "Before the Fact," slated to start with only a week's interval after the completion of his present chore, "Mr. and Mrs. Smith," "Before" based on a story by Frances Iles, is being scripted by Arnaud d'Usseau.

Charles, sound and projection engineer.

Also on the dais were district managers D. E. Weshner, Steve Barutolo, Al Plough, Louis Davidoff, Paul Costello, A. J. Vanni, Larry Graver, Jack Flynn and Jack Mulhall.

DRIVE TO ORG. FILM LOTS 100%

Aubrey Blair Launches Campaign This Week to Swing 2,500 Clerical Workers Into Federation Ranks—Film Editors Will Be Next in Line, With Watchmen, Police, Firemen and Other Workers to Follow

WANT NO MORE BIOFF

Hollywood, Sept. 17. A fight for control of 10,000 independent workers in the film industry gets under way this week, with Aubrey Blair heading a drive by the American Federation of Labor to organize the studios 100%. His first move will be centered on a campaign to swing 2,500 clerical employees into the AFL ranks. The Screen Office Guild, which has a membership of 2,500 white collar workers, will be offered a Federation charter, but if this proffer is turned down, the AFL is certain to start organizing its own local among unaffiliated employees.

An effort also will be made to swing the Society of Motion Picture Film Editors into line. This group, with a membership of approximately 800, has talked of applying for an AFL charter, but shied away from being placed in a position where the organization would be dominated by the Willie Bioff regime. With Bioff (Continued on page 18)

SAG PROPOSAL FOR PLAYERS BY THE DAY

Hollywood, Sept. 17. Screen Actors Guild is drafting a proposal for submission to the producers, carrying demands for increased pay for day workers and freelance actors, and the elimination of the practice of calling extras for bit parts. Kenneth Thomson, SAG executive-secretary, told Class A members at the annual meeting that the plan calls for raising the bit player minimum from \$25 to \$40 or \$50 a day, increase in the freelance minimum and redefinition of "added scene" work and limitation on fittings tests interviews.

Also proposed is a penalty for a producer who fails to give an actor a contract until after he starts work. It is revealed that the average annual extra earnings rose from \$105.63 in 1936 to \$359.80 the first seven months of this year. Closer supervision over television and production of slot machine films was urged by Thomson, who disclosed that the Guild holds an agreement with James Roosevelt's Globe Productions which applies the basic Guild contract with minor modifications to his company's output. Arrangement is probationary for three months.

Refuge question doesn't hold serious threat to actor jobs, Thomson said, pointing out that of 1,445 actors admitted to membership since Aug. 1 last year, only 59, or 4%, were aliens and few of those are working in pictures. At the meeting Edward Arnold was installed as Guild president.

Looks Like Steady Job

Hollywood, Sept. 17. Virginia Van Upp is screenplaying "There's Always Juliet," her fourth successive writing job for E. H. Griffith, producer-director at Paramount.

Others were "Virginia," "Cafe Society" and "Honeymoon in Bali."

Warners Sets '40-41 Product in 45 N. Y. RKO Theatres for Another Year; More New Film Buying

Anything for a Sale

San Francisco, Sept. 17. All film salesmen talk for a living, but it isn't often that clients go around demanding spels. That, however, is what happened to A. R. Taylor, Paramount peddler, who was in middle of product deal with Harry West, of Greenville (Cal.) theatre, when third party entered with whispered message.

West turned to Taylor with news that local Rotary speaker failed to show up, adding that if he wanted to finish deal he'd have to fill in as guest gabber. Salesman gulped, thought quickly and few moments later found himself on speaker's platform. P. S.: he got the business.

Ia.-Neb. Indies Worried About Gypsy Exhibs

Des Moines, Iowa, Sept. 17. Portable circuiting in Iowa and Nebraska stole the show from the consent decree at a special meeting here recently of the Allied Theatre Owners of Iowa-Nebraska. Although president Leo F. Wolcott, of Eldora, Ia., called the meeting to discuss the decree along with advanced admission prices occasioned by defense taxes, these two subjects received only secondary attention from approximately 20 Iowa-Nebraska exhibitors attending.

Exhibits listened politely to G. Ralph Branton, Tri-States' general manager and principal speaker, and then gave their undivided attention to the problem presented by portable circuits being operated throughout the two states.

BIOFF OUT OF PRISON NEXT FRIDAY (20)

Chicago, Sept. 17. Willie Bioff of the International Alliance of Theatrical Employees, who has been serving out a six-month term in the Bridewell for a pandering conviction in 1932, will be released on Friday (20).

Bioff is getting out of the jail 15 days earlier than originally scheduled due to time off for good behavior.

Selznick's Story Dept.

Scouting for 3 Players

Selznick story department in New York resumed operations Monday (16) after a summer layoff during which Selznick-International was dissolved and replaced by David O. Selznick Productions. Kay Brown continues to head the department, assisted by Elsa Newburger.

Story ed. seeking possible yarns for Ingrid Bergman, Josef Fontaine and Vivien Leigh, who are under contract to Selznick. Producer is slated to make two films for United Artists and has indicated he will start in mid-winter. He has said that what the pictures will be has not yet been decided, although "St. Joan" and "Jane Eyre" have been repeatedly mentioned by other sources as possibilities.

Flynn's WB Tiptoe

Hollywood, Sept. 17. Errol Flynn's next starrer at Warners is "Footsteps in the Dark," which goes before the lenses Oct. 1. William Keighley directs.

Warner Bros. pictures will be exhibited for another year in the 45 theatres operated by RKO in the New York metropolitan district. Deal was closed yesterday after extended negotiations between the theatre department and the Warner home office.

Completion of the trading was being watched closely by hundreds of independent theatre operators in the New York exchange district, because the report was widely circulated that the circuit and the film company were finding it difficult to get together. Any change in the existing division of major film product between the Loew and RKO theatres would affect every subsequent run-house in the area.

Warner Bros. pictures have played the RKO outlets for the past several years, and have comprised the bulk of the product exhibited in addition to the RKO features.

Discussions are progressing for renewal of contracts for the WB films in the RKO out-of-town theatres.

RKO also closed a deal last week with the Century circuit, which operates 39 theatres in Brooklyn and Long Island. Bob Wolff, New York exchange manager, represented RKO and Freddie Schwartz the Century organization.

More RKO Deals

Four circuit deals for 1940-41 product were closed by RKO last week. They involve 112 theatres. Biggest was with the Central States Theatres, comprising 51 houses in Iowa and Nebraska. Others were with St. Louis Amusement Co., covering seven first-runs and 36 suburban houses in St. Louis; Oscar Pine's eight houses in the Evansville, Ind., area, and Harvey Amusement Co., 10 theatres in California.

Republic closed deal for all 1940-41 product with Royal Amusement Co., Honolulu, which operates a chain in the Hawaiian Islands. James R. Grainger, head of Republic, and Sid Weisbaum, San Francisco branch manager, represented Republic in the transaction.

Rep's Great States Deal

Chicago, Sept. 17. Republic has closed for its 1940-41 product with Great States Circuit of Illinois and Indiana.

Metro's Brushoff?

Minneapolis, Sept. 17.

Northwest Allied officials are wondering whether they aren't getting the run-around from Metro. Two of them, president E. L. Peaslee and treasurer Sol Lebedoff, were sent as emissaries to Chicago to confer with W. F. Rogers and W. H. Richey, M-G sales manager and contact man, respectively. "an effort to get the 'stiff' Metro percentage terms altered. The pair returned, thinking that they had been promised the requested 'relief.' But now, 'tis said, instead of lowering the percentage, M-G has raised it. They'll try to get in touch again with Rogers, they say, to 'find out what it's all about.'"

Losing out in a fight to force Metro to eliminate all percentage deals in the Twin Cities, the independents now are trying to have the split figured, which goes from 35 to 40% on the four percentage films, dropped, so that there'll be a flat 35% all along the line, regardless of takings. But since the Chicago conference, M-G now is talking 50% on the split figure.

As far as the Twin City independent exhibitors are concerned, Metro has been the only company which has been able to enforce percentage demands year in and year out. "Northwest Allied had hoped to beat it this year, but so far no dice."

Wanger Strong Advocate of Radio As a Pre-Selling Medium for New Pix; Cites 'Buck Benny,' 'Singapore'

Pittsburgh, Sept. 17. Walter Wanger is completely sold on radio as a pre-selling medium for his pix, UA producer told group of exhibitors, distributors and newspapermen here at Variety Club dinner here last week during his one-day visit to town to talk up 'Foreign Correspondent' and 'Long Voyage Home.' Conversion came, he said, as result of private conversation with Dr. George Gallup in which latter told him that during a recent poll he discovered best pre-sold pix of year were 'Buck Benny Rides Again' and 'Road to Singapore,' direct result of steady plugging on Jack Benny, Bob Hope and Bing Crosby programs. According to Gallup, Wanger said, those two films had a waiting public of 80,000,000 possible customers before they were released.

Wanger blamed Hollywood for failure to exploit pix properly far ahead of their release date. He insisted too many good films descended on the public without the public knowing anything about them and that after a first poor week, theatres were prone to brush them aside and let the product rot on its own.

Producer said he could detect any definite pro-war trend in Hollywood, claiming producers were staying on fence, but told Variety Club crowd that films had a duty to keep public aware of what's going on in the world today. 'And we can mix that awareness with entertainment, too,' he concluded.

Although Wanger didn't say so, it's understood that his recent conversation with Gallup about radio exploitation was responsible for his permitting Emergence to broadcast 'Foreign Correspondent' prior to film's general release. He insisted, however, on a couple of conditions, being changed around so too much of the story wouldn't be given away.

Wanger got a laugh when he explained what an independent producer, which he is, was. 'We're dependent on bankers, unions, distributors, exhibitors, studios, actors and directors. Outside of that, we're independent.'

He told newspapermen higher admission prices were the only way to compensate picture-makers for lost foreign market. Also complained that while studios also operating theatres were increasing scale for their own product ('Sea Hawk' at Stanley (WB) here and 'Boom Town' (MG) at Penn) same theatres refused to up prices for product of the indie producers.

'RAMPARTS' GOES IN FOR MORE SOCKO ADS

Producers of 'Ramparts We Watch' have decided to stop pulling their punches and to revamp their whole ad-publicity campaign. 'March of Time' staff, which made and is selling the film individually instead of on RKO's regular lineup, originally was convinced that a dignified sales promotion was essential. Showmen with the organization have finally convinced 'M. of T.' that rugged, scare-head exploitation is essential, particularly since the ending has been shifted to include clips from 'Baptism of Fire,' much argued Nazi subject.

In keeping with this idea, the bold ad originally printed in VARIETY, Sept. 4, is being reproduced in coming issues of Life and Time, which has devoted reams of publicity and special ads to the feature to date. Revamped exploitation effort already has started to bear fruit. This coupled with the more dramatic ending in 'Ramparts' is credited with boosting boxoffice returns in spots played during the past week.

Greenthal on the Wing

Hollywood, Sept. 17. Monroe Greenthal planned to Chicago yesterday (Monday) after confabbing with Alexander Korda on the possibility of roadshowing 'Thief of Bagdad' in several key spots. United Artists' exploitation head conferred with Charlie Chaplin on plans for the press preview and New York preem of 'The Dictator.' He will launch the campaign on 'Pastor Hall' in Chicago before returning to New York.

'Ramparts' Tieup with Md. Gov.'s 5th Column Talk

Following the governor of Maryland's proclamation asking all people in the state to be watchful of Fifth Column activities, American Legion officials in that state have suggested that seeing 'The Ramparts We Watch' is the best way of being on guard against propaganda and anti-U.S. moves.

'Ramparts' showing at Hippodrome, Baltimore, last week was tied up with the Legion consequently.

Chas. Schlaifer's Solo Film Selling Has Put UA, Frisco, Over to Big B.O.

San Francisco, Sept. 17. How to make single-billing a success: put exhibits in a spot where they got to make solos pay, or else.

That, in a nutshell, is recipe handed out by Charles Schlaifer, exploiter for Herman Cohen's United Artists here, now starting its third season of aggressively selling singles.

Limited to UA product, house has turned so-called liability into an asset, selling every picture to the hilt and pounding away at thought that 'only the big pictures play single bill.' Heavy selling of short product also contributed to factors which enabled showcase to stretch 17 features into a season during past year.

Trailers now being screened to plug new season stress fact that thousands of discriminating San Franciscans have made one-feature policy a success through their support, etc. Copy is slanted so that UA takes credit for single-bill idea, making the occasional selling of big pix at other houses something of an indirect plug for UA policy.

Gag novelty which has become integral part of all campaigns is 'UA Charley,' cartoon figure which appears in various corners of ad copy with pertinent quotes. Has reached proportions where fans have been overheard in lobby remarking 'UA Charley says we should see this one from the beginning,' etc.

Pressbooks mean nothing to Schlaifer, who writes his own so successfully that James Roosevelt drafted him to handle the national campaign on 'Pastor Hall,' and other Hollywood deals are now cooking.

Example is case of touchy 'Lion Has Wings,' which Schlaifer considers toughest problem faced this season. Sold it sensationally on 'war of blood and hate' angle, playing down star names, and flick responded okay. Another problem child was 'The Millionaire.' Approached this from dramatic standpoint, figuring title itself was sufficient plug for fantasy angle stressed in many quarters. Adds that results were 'terrific.'

House concentrates exploitation almost exclusively in newspapers, using radio time in trailer tieups with KFRC and KJBS.

JULES RACHMAN OUT

Theatre Owner to Be Freed from Neb. Prison Next Tuesday

St. Louis, Sept. 17. Thomas O'Connor, East St. Louis gangster, doing a 25-year jolt in the Nebraska state pen for participation in the \$2,500,000 Lincoln (Neb.) bank robbery in 1930, will be successor to Jules Rachman as manager of the cinema in the Nebraska pen Tuesday (24). Rachman, former Omaha theatre owner, convicted of murder, has been in charge of the cuffed theatre since 1933. His activities in behalf of his fellow cons, via the picture theatre, was instrumental in obtaining his freedom on the day O'Connor steps into his shoes.

O'Connor numbered among his former associates Tommy Hayes, Jack Britt and Howard Lee, local underworld characters, most of whom have been bumped off or iced away in cans.

Fort Worth's New Billing; Where 'Westerner' Begins

Fort Wayne, Sept. 17. With planeloads of stars, newspapermen and just plain celebs set to begin pouring in tomorrow (Wednesday), this burg 'where the west begins' will see its first world premier and give Hollywood and New York their first taste of a real Texas hoopla. Fort Worth has been turned so completely celluloid-conscious that even its trade-mark has been changed on signs decorating main thoroughfares to 'Where the Westerner Begins.'

Among the Hollywoodites who'll spur this way for opening of Sam Goldwyn's 'The Westerner' will be Gary Cooper and Tom Mix, Goldwyn and Mrs. G. Walter Brennan and his frau, Doris Davenport, Charles Ruggles, Bob Hope, Jon Hall, Frances Langford, Mr. and Mrs. William Wyler, Bruce Cabot, Edward Arnold and George Raft. Some of them appeared in or worked on the picture; rest are coming down for the ride.

Preem contingents leave Hollywood and New York tomorrow night (Wednesday) and arrive Thursday morning. They'll have an option of winging home after the roundup here Thursday night or going on to Dallas where the pic will preem on Friday, coincident with openings in about 50 other Texas towns.

completing the New York gang will be Harry Gold, UA eastern sales manager; James Mulvey, Goldwyn's eastern rep, and Lynn Farnol, UA pub-ad chief.

Film will be screened simultaneously at the Worth and Hollywood theatres here. Stars will appear at both houses.

'LUCKY PARTNERS' GAG SOCKO FOR FRISCO B.O.

San Francisco, Sept. 17. A mob in the lobby, a wedding and nationwide wire breaks were results of an exploitation stunt cooked up by Charles Huy, George Bole's Golden Gate praiser, in behalf of 'Lucky Partners' (RKO). The lobby jam was intentional, the balance incidental.

Huy sold Chronicle classified section on tieup whereby paper plugged lucky tickets which could be picked up at various merchants. Two sets of tickets, each numbered 1 to 2,000, were distributed, with notice that all stub-holders who met in lobby at 7:30 p.m. Wednesday, and found a holder of corresponding numbers would get in free. Folks were told they didn't have to sit together after they got in if they didn't want to, but numbers had to be matched to gain admittance.

Gag netted theatre \$700 worth free ad space, plus 40 inches of publicity, while paper sold \$200 in extra ads on deal. But pay-off came when pair who met as result of stunt staged whirlwind 18-hour courtship and applied for marriage license next day.

Gai is Electamare Josephine Shambaugh, 21, dancer at Folies on Treasure Isle, and lad is Vernon Krakow, 22-year-old drug salesman. Development surprised even Huy, who covered quickly. Learning that, as in RKO film, pair won't be able to get away from work for honeymoon, Huy now seeks to have tieup carried step further, with Ginger Rogers and Ronald Colman inviting couple to Hollywood for wedding trip they wouldn't otherwise be able to afford.

'Mystery Night' Gag

Regina, Sask., Sept. 17. B.O. booster at the Empress, Lloydminster, is 'Mystery Night.' 'When theatre program is changed, title is omitted and patrons are given ballots on which they are asked to submit their choice for the next best title winning a \$10 War Savings certificate. Winner is announced on the Wednesday following each 'Mystery Night' and if that person is not in the audience the prize is increased by another \$10 certificate and so on. Title to be submitted must be the best, not the correct one.

Oil Tieup for 'Boom'

Rochester, N. Y., Sept. 17. Working model of an oil well in lobby of Loew's Rochester attracted attention for 'Boom Town' in tieup with Refiners' Gasoline & Oil Co., which aired series of radio programs over WSAW boosting show, put over Friday the 13th street gag, and gave away photos of film stars to patrons. Loew's manager Lester Pollock got full pages in Times-Union and Democrat & Chronicle to exploit 'Boom Town' and other M-G films booked in for fall.

Oscar Doob's Now-It-Can-Be-Told Appraisal of Loew's New Daily Ads

Philly's Notre Dame Club Ties in With Film's Preem

Philadelphia, Sept. 17. The Notre Dame Club of Philadelphia will hold a special dinner at the Warwick Hotel on Oct. 4, in honor of preem of 'Knute Rockne—All American' being held in South Bend, Ind., the same night.

Prominent Notre Dame alumni will speak. A special screening of the film will be held by the Stanley-Warner company. The film opens the next day (5) at the Fox.

'Tugboat Annie' Sails Its Preem Into Tacoma; Seattle Nixed Stunt

Tacoma, Sept. 17. The world premiere of Warners' 'Tugboat Annie Sails Again,' including a galaxy of Warner stars, in all the four Hamrick theatres, Music Box, Roxy, Blue Mirror and Temple (\$2 top in the Music Box and \$1 in the other houses), is set for October, date not yet selected. Irving Rubin of Warners was here closing deal last week. This is going to be an unusual event for Tacoma, since Seattle, nearby metropolis, turned the exploitation plan down through its Chamber of Commerce.

Bill Connor, sparkplug for the Hamrick interests here who is assistant to Ned Edris, g.m., has started the local C. of C. and the Mayor, Harry Cain, on their merry way to get the necessary \$15,000 required to put over the event. Besides the promised cooperation of local press, both radio stations have agreed to do their share in an effort to make it the big event of the year in the Pacific Northwest.

The fact that Seattle Chamber boys turned down the plan and Tacoma has never before been included in such a national setup, has enthusiasm already in high gear.

'Rockne' Kickoff At South Bend Oct. 4

South Bend, Sept. 17. Premiere festivities for 'Knute Rockne—All American' (WB) are taking on the trimmings of a national Notre Dame alumni drive, enlisting the cooperation of hundreds of local organizations in widely scattered cities extending from coast to coast. Kick-off for the new film has been set for three first run houses here to be followed by banquet at the university on the night of Oct. 4. Elsewhere alumni will assemble and the speeches from the banquet here will be piped into the smaller gatherings.

What started out to be a publicity plan for the film has developed into a sincere tribute to Rockne, the great Notre Dame football coach, whose name is synonymous with the highest type of American sportsmanship. From an exploitation stunt the Rockne salute has reached national proportions.

Pat O'Brien, star in the film, is set for a unique role when he appears in the character of the former coach at an undergraduate rally on the eve of the opening contest of the season against College of the Pacific. Other Hollywood players have been invited by the college authorities.

Broadcast will be featured by the appearance here of Kate Smith and her company for her regular Friday night national hookup. O'Brien and others will be introduced over the air.

Preem of the film is being handled by B. & K. in the Colfax, Palace and State theatres, which have set a \$1.65 scale for the opening. Tickets at all three houses have been sold for weeks and there is a possibility that other theatres will be impressed into the plan.

Final touches to the arrangements will be given this week when Charles S. Einfeld and Mort Blumenstock, heads of the WB exploitation staff, confer with college authorities and Mayor Jesse L. Pavey, chairman of the preem committee.

Success of the first two months of newspaper advertising by Loew's circuit in the New York territory in place of its weekly handout sheet is seen by Oscar A. Doob as bringing about a revolution in theatre advertising practice in the metropolis. Since Loew's switch, Skouras has followed, RKO has increased its newspaper space by about 50%, and the Brandt chain is negotiating a deal with the papers.

In a now-it-can-be-told interview, head of Loew's circuit advertising and publicity department, revealed Monday (16) that the changeover from the Loew's Weekly to the daily press on July 18 came about only after five years of battling with other execs of the circuit and with house managers. Managers, some of whom were mailing out 25,000 or more Weeklies, were certain, Doob said, that once they stopped they might as well shut down their theatres.

It's impossible to gauge effect of the change on the b.o., ad chief declared, except by the fact that biz has been above that of last year. This, he admitted, might well have been caused by the weather break and run of good pictures during August. However, in one house mailing 35,000 Weeklies, their absence provoked fewer than 200 queries by patrons, Doob asserted.

Circuit execs who for 21 years had found their business operating successfully with the handout sheets were naturally dubious about making any shift, the ad chief declared. They were only convinced after numerous tests in individual houses and, even so, there was much trepidation when on July 25 the first show since 1919 opened depending solely on newspaper ads.

Convincing Dailies Newspaper were equally difficult to convince that it would be profitable to lower their rates. Doob said, although as a result of the decrease they will find almost \$1,000,000 extra in their coffers every year. All of the New York dailies have now reprinted their rate cards, giving big amusement advertisers the same or almost the same rates as department stores, lowest of all classifications.

Loew's started its directory in one paper, the Journal-American, and is now using seven to get a combined circulation of 4,600,000 daily and 6,900,000 Sunday. Weekly, at its peak, had 1,100,000 circulation and when discontinued had 800,000. Doob said, it cost Loew's \$325,000 a year, plus \$100,000 which had to be spent in newspapers anyhow. Minimum cost of newspaper advertising during the first year of the new system will be between \$400,000 and \$500,000, Doob asserted, which means the circuit is getting almost six times the former circulation at the same cost.

Doob predicted the end of three-sheet and other billboard advertising, as well as direct mail, as not feasible for theatres. He asserted that no other industry in the country marketing a low-cost product like films—which sell from 10c to 40c in most places—had found direct mail practical.

Newsreeler's Poll On Presidents in Pittsburgh

Pittsburgh, Sept. 17. Harris circuit's Newsreel theatre downtown collaborating with Bulletin-Index class Pittsburgh weekly, on a two-month presidential poll. Every patron of voting age is given a ballot in the lobby and results are printed in detail every Wednesday in the local newsmagazine.

Tieup was arranged by Ken Hoel, pinch-hitting advertising chief for Harris chain in summer absence of George Tyson. Latter returns to his post next week after staging Atlantic City beauty pageant for sixth consecutive year. Hoel is regularly Tyson's assistant.

FRAZIER HUNT'S TRAILER

Bridgeport, Sept. 17. Frazier Hunt, television correspondent recently returned from Europe, was guest of manager Matt L. Saunders of Loew-Poll at press screening day before opening of 'Foreign Correspondent.'

Interviewed after showing Hunt praised preparedness tag of film.

Jessel's H'wood Unit, \$20,000, 'Hired Wife,' \$18,000, Both Big, But Rest of Chicago Is Dull

Chicago, Sept. 17. Generally speaking, the loop has been in something of a slump for the past couple of weeks, and only the real dynamite at the boxoffices have been able to overcome the sudden public lassitude.

Currently two houses are beating the town on pace, and one is due to the picture and the other due to the stage attraction. 'Hired Wife' and 'Mummy's Hand,' the Palace, are giving that house its best boxoffice figure since it reopened for the season. And George Jessel, on the stage of the Oriental with a half-dozen Hollywood names, is turning in the highest money mark for that house since it returned to its stage policy following 'Gone'.

Elsewhere there is not much excitement, and strangely so, for in at least two spots business was figured for cinch money because of attractions. These include the Three Stooges at the State-Lake and the Guy Lombardo orchestra at the Chicago. The Stooges have played this town several times and always did excellent business; while the Lombardo band holds the all-time high of better than \$72,000 at the Chicago.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-75-75)—'Kildare Home' (M-G). Not much in the offering for this one, the Kildare pictures evidencing their best biz in the neighborhoods rather than the first-run spots. Maybe \$4,500, so-so. Last week, 'Love Again' (M-G) finished its fourth loop session to okay \$5,000.

Chicago (B&K) (4,000; 35-55-75)—'Want Divorce' (Par) and Guy Lombardo band on stage. Strictly up to the orch currently, which is coming up with \$32,000, fair. Last week, 'Stayed Breakfast' (Col) and vaude, meek \$25,400.

Garfield (B&K) (900; 35-55-65-75)—'Stayed Breakfast' (Col) Nook much in the offering at \$3,500. Last week, 'Rhythm River' (Par), fair enough \$4,100.

Oriental (Jones) (3,200; 28-44)—'Cross Country' (RKO) and George Jessel unit on stage. Rochelle Hudson, Jean Parker, Steffi Duna, Isabel Jewell names all helping to fine \$20,000. Last week, 'Girls' Country' at \$10,500 for 'Ladies Live' (WB) plus 'Tattle Tales' unit on stage.

Palace (RKO) (2,500; 33-44-66)—'Hired Wife' (U) and 'Mummy's Hand' (U). Combination came in Tuesday (10) and coming through with best mark since house's reopening at \$18,000. Last week, 'Lucky Partners' (RKO) and 'Slightly Tempted' (U), good \$19,800 for 12-day run.

Roosevelt (B&K) (1,500; 35-55-65-75)—'Rangers Fortune' (Par). Got away Saturday (14) and looks for satisfying \$12,000 for initial session. Last week, 'Boom Town' (M-G), at 85c top, came through with bang-up \$14,800 for second session.
State-Lake (Hamrick) (28-44)—'Golden Gloves' (Rep) and Three Stooges headlining vaude. May build, because Stooges have always done business here. Look for \$16,000 at present. Last week, 'Girls' Country' (Rep) and Carlos Molina orch, poor \$13,300.

United Artists (B&K-M-G) (1,700; 35-55-65)—'Boys from Syracuse' (3d wk). With Roosevelt dropping picture, this house hops upwards currently, taking \$15,000. Last week, fine \$14,800.

Woods (Essaness) (1,200; 75-110-175)—'Gone' (M-G) (34th wk). Holding its pace remarkably and taking \$7,500, following excellent \$7,800 last week.

'COMEDY' OK \$6,000, BUT REST OF MEMPHIS N.G.

Memphis, Sept. 17. 'No Time for Comedy' on the show of the week in Memphis. Rest of the town is dead.

Stewart-Russell comedy is proving fairly good matinee and night draw. New Malco has Powell-Blonder's 'I Want a Divorce,' and Loew's Palace offers 'Kit Carson,' neither of which is cutting any figure at the boxoffice.

Estimates for This Week
Loew's State (Loew's) (2,600; 10-50-34-4)—'Kildare Home' (M-G), four days, and 'Stranger Third Floor' (RKO), three days. Medico and mystery n.s.g., down to \$3,000 total. Last week, 'Boom Town' (M-G), second week, \$6,500, 1st wk.

Warner (Warner) (2,300; 10-33-44)—'No Time Comedy' (WB). Stars popular here. Might get \$6,000, good. Last week, 'Flowing Gold' (WB), \$3,500.

New Malco (Lightman) (2,300; 10-33-44)—'Want Divorce' (Par). Disappointing reaction holding this one down to week \$3,000. Last week, 'Hired Wife' (U), \$5,000, good.
Loew's Palace (Loew's) (2,200; 10-34-44)—'Kit Carson' (UA). High-class shoot-em-up not doing as well

as expected, maybe no better than \$3,000. Last week, 'Foreign Correspondent' (UA), \$5,200, better than expected.

Strand (Lightman) (1,000; 10-22-33)—'Gaucho Serenade' (Rep), three days; 'Green Hell' (UA), 2d run, two days; 'Pop Pays' (RKO), two days. Business about average at \$1,700. Last week, 'Lost Horizon' (Col) and 'Awful Truth' (Col) (revivals), three days; 'Wagons Westward' (Rep), two days; and 'Curtain Call' (RKO), two days, \$1,800, okay.

'HOWARDS' HOT \$18,500 IN WASH.

Washington, Sept. 17. Solidly-applauding reviews, plus hefty buildup via hauling local critics to Richmond, Va., for world premiere is pushing 'Howards of Virginia' well out in front this week at Earle, WB vaude. Ads generally split emphasis neatly into both gag politics and romantic drama and reviews helpfully did same, enabling house to get both elements coming and going.

Runnerup this stanza is 'Dr. Kildare Comes Home,' barely getting by at Capitol, Loew's vaude. Only other newcomer is 'Dance, Girl, Dance,' at Keith's, bolstered into strong weekend with personal appearances on Friday of Lucille Ball and Maureen O'Hara, but slipping badly now that it's on its own.

Estimates for This Week
Capitol (Loew) (3,434; 28-39-44-66)—'Kildare Home' (M-G) and vaude. Critics kidding the Doc by now and the loyal Kildare fans won't get take above fair \$15,000, despite some help from Circa Rinaac orch on stage.

Loew's (WB) (1,800; 35-55-75-75)—'Dance, Girl, Dance' (U) and oldtimers' revue on stage, light \$11,500 for six days, latter putting house on new permanent Thursday-openers.

Columbia (Loew) (1,234; 28-44)—'Love You Again' (M-G) (2d run) (2d wk). Fourth week on main stem, after two big stanzas at Palace, getting okay \$4,000. Last week, big \$5,000.

Earle (WB) (2,216; 28-39-44-66)—'Howards' (Col) and vaude. Solid \$18,500. Last week, 'Stayed Breakfast' (Col) and Maureen Kaye orch on stage sock \$22,500.

Keith's (RKO) (1,830; 39-55)—'Dance, Girl, Dance' (U). Lucille Ball-Maureen O'Hara p.a. four times Friday built weekend up nice, but b.o. once slipping. Should wind up with okay \$8,000. Last week, 'Dancers' (U), sold as glorified western, surprisingly took same \$8,400.
Loew's (WB) (28-44)—'Sea Hawk' (WB) (2d run). Back downtown after two good weeks at Earle and will hit okay \$4,800. Last week, 'Drive a Hard Bargain' (WB) (2d run) built to overshot estimate for nice \$5,500.

Palace (Loel) (2,242; 44-66)—'Boom Town' (M-G) (3d wk). Holding for swell \$11,500 for six days. Last week, beautiful \$11,000.

'Boom Town' Gushes To \$6,200 in Portland

Portland, Ore., Sept. 17. New pix are boosting the burg's grosses with all four major houses in the winning bracket. 'Boom Town' at the UA and 'Stayed for Breakfast' at the Paramount are the strong winners, and both will probably hold.

Broadway is okay with 'Kit Carson' and 'Sea Hawk' went into a third week at the Mayfair.

Estimates for This Week
Broadway (Parker) (2,000; 35-40-50)—'Kit Carson' (UA) and 'Golden Fleece' (M-G). Nice \$5,500. Last week, 'Sea Hawk' (WB) closed week at \$4,200 and moved to the Mayfair. First week was big at \$6,200.

Mayfair (Parker-Evergreen) (1,500; 35-40-50)—'Sea Hawk' (WB). 3d wk. A winner, around \$3,000, following two big weeks at the Broadway. Last week 'Rhythm River' (Par) and 'Pier 13' (20th) closed average second week at \$2,200.
Paramount (Hamrick-Evergreen) (3,000; 35-40-50)—'Stayed for Breakfast' (Col) and 'Chan Museum' (20th). Hitting strong high for this house, \$6,200. Last week, 'Lucky Partners' (RKO) 'Golden Gloves' (Par) also strong \$5,000.

United Artists (Parker) (1,000; 35-40-50)—'Boom Town' (M-G). Booming at \$6,200. Last week, 'Love You Again' (M-G) and 'We Who Are Young' (M-G) did well at \$3,900. First two weeks in town grossed better than \$11,000.

First Runs on Broadway (Subject to Change)

Week of Sept. 18
Aster—'Gone With the Wind' (M-G) (40th wk).
Capitol—'Boom Town' (M-G) (3d wk).
Criterion—'Dr. Kildare Goes Home' (M-G) (18).
(Reviewed in Variety, Sept. 4)
Globe—'Pastor Hall' (UA) (21).
(Reviewed in Variety, July 31)
Music Hall—'Ramparts We Watch' (RKO).
(Reviewed in Variety, July 24)
Paramount—'Rangers of Fortune' (Par) (18).
(Reviewed in Variety, Sept. 11)
Rialto—'Mummy's Hand' (U).
Rivoli—'Foreign Correspondent' (UA) (4th wk).
Roxey—'Brigham Young—Frontiersman' (20th) (20).
(Reviewed in Variety, Aug. 28)
Strand—'No Time for Comedy' (WB) (3d wk).

Week of Sept. 23
Aster—'Gone With the Wind' (M-G) (41st wk).
Capitol—'Wyoming' (M-G).
(Reviewed in Variety, Sept. 11)
Criterion—'Golden Fleece' (M-G) (25).
(Reviewed in Variety, Aug. 21)
Globe—'Pastor Hall' (UA) (2d wk).
Music Hall—'Howards of Virginia' (Col).
(Reviewed in Variety, Sept. 4)
Paramount—'Rangers of Fortune' (Par) (2d wk).
Rialto—'Gone with the Wind' (M-G) (20th).
Rivoli—'Foreign Correspondent' (UA) (5th wk).
Roxey—'Brigham Young—Frontiersman' (2d wk).
Strand—'City of Conquest' (WB) (27).
(Reviewed in Variety, Sept. 11)

Week of Sept. 28
Aster—'Gone With the Wind' (M-G) (41st wk).
Capitol—'Wyoming' (M-G).
(Reviewed in Variety, Sept. 11)
Criterion—'Golden Fleece' (M-G) (25).
(Reviewed in Variety, Aug. 21)
Globe—'Pastor Hall' (UA) (2d wk).
Music Hall—'Howards of Virginia' (Col).
(Reviewed in Variety, Sept. 4)
Paramount—'Rangers of Fortune' (Par) (2d wk).
Rialto—'Gone with the Wind' (M-G) (20th).
Rivoli—'Foreign Correspondent' (UA) (5th wk).
Roxey—'Brigham Young—Frontiersman' (2d wk).
Strand—'City of Conquest' (WB) (27).
(Reviewed in Variety, Sept. 11)

Week of Sept. 28
Aster—'Gone With the Wind' (M-G) (41st wk).
Capitol—'Wyoming' (M-G).
(Reviewed in Variety, Sept. 11)
Criterion—'Golden Fleece' (M-G) (25).
(Reviewed in Variety, Aug. 21)
Globe—'Pastor Hall' (UA) (2d wk).
Music Hall—'Howards of Virginia' (Col).
(Reviewed in Variety, Sept. 4)
Paramount—'Rangers of Fortune' (Par) (2d wk).
Rialto—'Gone with the Wind' (M-G) (20th).
Rivoli—'Foreign Correspondent' (UA) (5th wk).
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Holdovers Dominate B'way, 'Boom' OK 40G, 2d; 'Correspondent' 31G, 3d; 'Partners' 65G, 2d; 'Hired Wife' 40G

the Woman' (WB). Strong \$16,000. Last week, 'Great McGinty' (Par) and 'Golden Gloves' (Par) (2d wk), neat \$13,000.

Met (Loew's) (3,618; 25-35-50)—'Pride and Prejudice' (M-G) and 'Turnabout' (UA) (2d wk), good \$16,000. Last week splendid \$20,000.
Paramount (Fabian) (4,126; 25-35-50)—'Sea Hawk' (WB) and 'Oz West With Peppers' (Col) (3d wk). Pleasant \$14,000. Last week fine \$18,000.

Strand (WB) (2,870; 25-35-40)—'Gold Rush' (M-G) and 'Hired Wife' (U) (2d wk). Unexcited, but full \$4,500. Last week, 'Murder in the Night' (RKO) and 'Marked Men' (Prod) got peaceful \$4,000.

'MUMMY,' \$4,500, NO STIFF IN L'VILLE

Louisville, Sept. 17.

Biz is settling down here and running a pretty even course. Kentucky State Fair ended Saturday (14) and checked in swell biz. No rain throughout the week, although nights were cool. Grand Championship Horse Show at the Coliseum was sold out Saturday night, per usual magnet for the society crowd.

H.o.s are still in the running 'Boom Town,' in second week at Loew's State with a small rise in sale, is making an okay showing, although showing up considerably after the first seven days. 'Sea Hawk,' in its third week at the Mary Anderson, is pointing to fair takings, while new 'Mummy's Hand' at the Strand is pulling surprisingly fine biz and should round up excellent \$4,500.

Estimates for This Week
Brown (Loew's-Fourth Avenue)—'Lucky Partners' (RKO) and 'Stranger Third Floor' (RKO). Move over from Rialto n.s.h. this session and look like usual normal \$1,500. Last week, 'Rhythm River' (Par) and 'Want Divorce' (Par), managed fair \$1,600.

Kentucky (Switow) (1,200; 15-25)—'Untamable' (Par) and 'Pagu' (UA). Showing nice box punch pulling in plenty of downtown shoppers and aiming at okay \$1,700. Last week, 'Ghost Breakers' (Par) and 'Our Town' (UA), excellent \$1,600.
Loew's State (Loew's) (3,100; 32-40-50)—'Boom Town' (M-G) and 'Lady Question' (Col) (2d wk.). While biz has shown some tendency to slow up after first week's bumper 'Boom,' second week is still well in the profit column at probably nice \$8,000. Last week rang the bell for wham \$17,000.

Mary Anderson (Libson) (1,000; 15-30-40)—'Sea Hawk' (WB) (3d wk.). Still getting nice box punch like okay \$2,800. Last week, second, managed fine \$3,500.

Rialto (Fourth Avenue) (3,400; 15-30-40)—'Hired Wife' (U) and 'Slightly Tempted' (U). Twosome is natural combo to appeal to femme trade and that means pretty steady biz. However, opposit still pretty potent in the downtown district and indications are that pair will gather average \$6,000. Last week, 'Lucky Partners' (RKO) and 'Stranger Third Floor' (RKO), better than expected at \$6,500

Nothing Helps in Mpls.; 'Love Back' Plus Ted Lewis Unit N.G. \$12,000

Minneapolis, Sept. 17. Past fortnight has witnessed another nose dive of grosses. After a brief spell of comparative prosperity it's all very bad again, and efforts are being made to search out the cause or causes. Some feel that the uncertainties consequent to conscription and fears engendered by the vicious assault on Great Britain are tightening pursestrings. Others declare that general business conditions, still depressed in this section, are being reflected at the boxoffice. The main stem currently has its strongest entertainment ammunition in a long time, but even the hefty array of coin coaters, recalling the good old days when the loop hummed with super-activity every week, doesn't seem able to bring 'em downtown in the expected droves. Under normal circumstances, it's believed, 'Boom Town' heavily plugged at State, and Ted Lewis, would be doing considerably better. And considering what's on tap the results are all the more dismaying.

The Alvin gets into the stage show going with a policy of modified burlesque, provided by road companies, plus a house line of girls, added vaudeville, first-run pictures and short screen subjects. Ted Lewis and his revue act at the Orpheum. 'Skylark' opens at the Lyceum for three days, starting Thursday.

Estimates for This Week
Alvin (Hirsch-Katz) (1,400; 28-44-55)—'Son Nub' (Col.) (2d wk.)—'Tails of 1941' on stage. Pleasing stage show, but lacking in boxoffice names. Season's inaugural and early results should determine if public wants this type of modified burlesque, but league-musical, minus names and stage bands. Disappointing \$4,000 seen in past week.

Aster (Par-Singer) (900; 15-28)—'Sisterbrat' (Rep.) and 'Girl Gets Her Gun' (Rep.) Flashy but helps. Should cop good \$1,500 in five days. 'Military Academy' (Col.) and 'Money and Women' (WB), dual first-runs, open today (Sept. 18). 'Love Back' (WB), dual first-run, five days, \$1,200, okay.

Century (Par-Singer) (1,600; 28-39-44)—'Lucky Partners' (RKO) (2d wk.)—Moved here after fairly good week at State. Rather tepid clip for final seven days. Looks like mild \$3,000. Last week, 'Rhythm River' (Par) (2d wk.) \$3,000, pretty good after nice \$2,700 first week at State.

Esquire (Gillman) (280; 28)—'Wolf New York' (Rep.) Yanked after only two poor days, \$200. 'Doomed to Die' (Orpheum), current dud, but may reach fair \$800. Last week, 'Plainsman' (reissue), \$700, fair.

Gopher (Par-Singer) (980; 28)—'Daltons Ride' (U). Rushed in when 'Golden Gloves' was yanked after five days, and is delivering nicely. Good \$4,000 for eight days in prospect. Last week, 'Golden Gloves' (Par) five days, light \$1,500, weak.

Orpheum (Par-Singer) (2,800; 39-44-55)—'Love Back' (WB) and 'Ted Lewis band and revue on stage. Started slowly. May reach \$12,000, which would be considerably under expectations and probably unprofitable. Last week, 'Hired Wife' (U), \$6,800, fairly good.

State (Par-Singer) (2,300; 39-44-55)—'Boom Town' (M-G). Advertised and exploited to fare-ye-well. Doors open at 10:30 a.m., hour earlier than usual, and scale upped from 40c to 55c top. However, no wild rush of customers at outset. Stretching toward big \$14,000, which, however, is at least several grand less than had been expected. Last week, 'Lucky Partners' (RKO) (2d wk.) \$1,200, fair.

Uptown (Par) (1,200; 28-39)—'Drive Night' (WB). First neighborhood showing. Satisfactory \$3,000 indicated. Last week, 'Maryland' (20th) first neighborhood showing, \$3,200, okay.

World (Par-Singer-Steffes) (350; 28-39-44-55)—'Hired Wife' (U) (2d wk.). Transferred from Orpheum for extension of loop first-run. Fair \$1,200 in prospect. Last week, 'Sea Hawk' (WB) (3d wk.) \$1,500, okay after big two first weeks.

MILLER ORCH, AT NEW PROV. VAUDER, \$15,000

Providence, Sept. 17. Entrance of the Metropolitan this week into the main stem field with Glenn Miller's orch on stage and the first-run 'Boys of the City' on the screen is about the only new note. Elsewhere, about the whole is on average, with matinees especially low.

'Foreign Correspondent' gave Loew's a chance to work a tie-in with WFRS. The picture, which takes new flashes direct from the lobby of the theatre.

Estimates for This Week
Albee (RKO) (2,200; 28-39-50)—'Ramparts' (Hamrick-Evergreen) (U). Spotty, but still good for okay \$6,000. Last week, 'Daltons' (U) and 'Snow White' (RKO) (re-

issue) and four Disney shorts, swell \$7,200.

Carlton (Fay-Loew) (1,400; 28-39-50)—'Boom Town' (M-G) and 'Lady Question' (Col.) (2d wk.). Last week, 'Sea Hawk' (WB) (2d wk.), good \$3,000.

Fay's (Indie) (2,000; 15-28)—'Stage Chino' (RKO) and 'Gambling Ship' (WB). With youngsters back to school, matinee have fallen off. Spot getting fair \$3,000. Last week, 'Tenderfoot' (Rep.) and 'Earthbound' (20th), good \$3,500.

Majestic (Fay) (2,200; 28-39-50)—'Talked Much' (WB) and 'River End' (WB). Paced for weak \$5,500. Last week, 'Hired Wife' (U) and 'Young People' (20th), hefty \$7,000.

Metropolitan (Associated) (3,000; 28-39-55-75)—'Boys of the City' (Mono) and Glenn Miller's orch on stage. Opening week is in the problematical stage. Looking for its heaviest play in the evening. Opened slowly, but gaining momentum and should end up in the vicinity of promising \$15,000.

State (Loew) (3,200; 28-39-50)—'Foreign Correspondent' (UA) and 'Golden Fleeing' (M-G). Good \$11,000. Last week, 'Boom Town' (WB) and 'Lady Question' (Col) (2d wk.), swell \$13,000.

Strand (Indie) (2,000; 28-40-50)—'Want Divorce' (Par) and 'Girl God's Country' (Rep.). Looks like weak \$5,500. Last week, 'Rhythm River' (Par) and 'Island Doomed Men' (Col.), swell \$6,000.

NO COMEDY BIG \$12,500 IN CINCY

Cincinnati, Sept. 17.

Autumn's first chill tangled week-end traffic in cinema center, giving current b.o. a slight edge over last week. Top tugger is 'No Time for Love' at the Grand. It is the second pic for that new house.

'Wyoming,' at Palace, and 'Dr. Kildare Goes Home,' at Albee, are in second and third spots this week with fair marks. Keith's has its second straight flopper in 'Lady in Question.'

All RKO theatres except the smallest Family have revised admish scales from 39-47c to 33c up to 6 p.m., then 40c for balcony and 50c for main floor seats. Keith's operated by the Libson, made the same change.

Estimates for This Week
Albee (RKO) (3,300; 33-40-50)—'Dr. Kildare Home' (M-G). Fair \$8,000. Last week, 'Hired Wife' (U), big \$14,000.

Capitol (RKO) (2,000; 33-40-50)—'Hired Wife' (U). Moveover from Albee for second week. Fair \$4,000. Last week, 'Boom Town' (M-G) (5th wk.), well \$5,000, winding up run with socko \$54,000.

Family (RKO) (1,000; 15-28)—'Wild Cat Bus' (RKO) and 'Ranger Lady' (Rep.) split with 'Three Faces West' (Rep.) and 'Ladies Must Live' (WB). Okay \$2,100. Last week, 'Stage Chino' (RKO) and 'Can't Fool Wife' (RKO), divided with 'Wagon Westward' (Rep.) and 'Earl Puddles-ton' (Rep.), normal \$1,900.

Grand (RKO) (1,400; 33-40-50)—'No Time Comedy' (WB). Wham \$12,000. Last week, 'Love Again' (M-G) (3d wk.), great \$6,000 to hit nifty \$29,000 for the three-week stay.

Keith's (Libson) (1,500; 33-40-50)—'Lady Question' (Col). Brutal \$2,500. Ditto last week on 'Young People' (20th).

Lyrie (RKO) (1,400; 33-40-50)—'Love Again' (M-G). Transferred from Grand for second run and fourth week. Fair \$3,500. Last week, 'Lucky Partners' (RKO), \$2,600, no dice.

Palace (RKO) (2,600; 33-40-50)—'Wyoming' (M-G). Pleasing \$9,000. Last week, 'Dance Girl' (RKO), poor \$5,500.

Shubert (RKO) (2,150; 33-40-50)—'Sea Hawk' (WB) (2d wk.). Holding over for second week of second run. So-so \$3,000. Last week (1st), dandy \$5,500. Pic's big \$15,000 in its opening week at the Albee.

Young Set for 'Union'
Hollywood, Sept. 17. Robert Young moves over from Metro to 20th-Fox on a loan agreement to take over the role originally assigned to Don Ameche in 'Western Union.'

Ameche is slated for a top role in 'Rings on Her Fingers,' which rolls before the completion of 'Western.' Young reports this week.

Nine on the Line at 20th

Hollywood, Sept. 17. Start of three new pictures makes a total of nine in production on the 20th-Fox lot. New films are 'Western Union,' 'The Private Practice of Michael Shane' and 'Corncomb Kelly's Benefit.'

Waiting to roll in the near future are 'Rings on Her Fingers' and 'Down to the Sea in Ships.'

New Autos Hypo Det.; 'Hawk' Big \$17,000 on Dual

Detroit, Sept. 17. With the new models having started to roll off the automobile production lines, business, as usual, grows better, but double-seaters are being evident in Detroit, with the picture houses playing along with holdovers to capture the widespread cash.

Something of a phenomenon cropped up this week in this town, given to double-feature first-runs, both the United Artists, with the fourth week of 'Boom Town,' and the Fox, with 'Brigham Young,' are offering solo attractions. With the exception of the Michigan's new bill, everything else downtown is in the h.o. class, but double-seaters are.

Estimates for This Week

Adams (Balaban) (1,700; 30-40)—'Staged Breakfast' (Col) and 'Lady Question' (Col). This pair moved over after two weeks at the Fox. Last week, 'Hired Wife' (U), 'Frank James' (20th) and 'Blondie Servant' (Col) (2d wk.), dull \$3,800.

Fox (Fox-Michigan) (5,000; 30-40-55)—'Brigham Young' (20th). This one was brought in two days ahead of usual opening and soloed. Expectations are for good \$16,000. Last week, 'Staged Breakfast' (Col) and 'Lady Question' (Col), five days, \$17,000, strong \$17,000.

Michigan (United Detroit) (4,000; 30-40-55)—'Sea Hawk' (WB) and 'Lady Question' (Col). Five days, \$17,000. Last week, 'Want Divorce' (Par), Charlie Barnett orch and Ray Bolger on stage, big \$24,000.

Michigan (United Detroit) (3,000; 30-40-55)—'Want Divorce' (Par) and 'Coming Round' (Par). Former picture moved from Michigan and bill looks for fair \$7,000. Last week, 'Rhythm River' (Par) and 'Way of Flight' (Par), dull \$5,500.

United Artists (United Detroit) (2,000; 30-50-75)—'Boom Town' (M-G) (4th wk.). This keeps rolling along with \$9,000 indicated after \$9,000 last week.

'FOREIGN' 10G, MILD IN BUFF.

Buffalo, Sept. 17.

General b.o. average continues to be substantial. 'Foreign Correspondent' is decided by disappointing at the Buffalo, but 'Boom Town' in its third frame at the Lakes, is still just about showing its heels to everything else. 'Argentine Nights' dualed at the Lafayette and 'The Grand' (RKO) (1,400; 33-40-50), doubled up also at the 20th Century are close behind and running neck and neck.

Estimates for This Week

Buffalo (Shea) (3,500; 30-40-60)—'Foreign Correspondent' (UA). Very mild \$10,000. Last week, 'Great McGinty' (Par) and Jimmy Dorsey orch strong \$21,500.

Great Lakes (Shea) (3,000; 44-65)—'Boom Town' (M-G) (3d wk.). Still roaring along to \$10,000. Last week, heavy wampum \$12,000.

Hip (Shea) (2,100; 30-45)—'Rhythm River' (Par) (2d run) and 'Mystery Sea Raider' (Par). Neat \$7,000 indicated. Last week, 'Frank James' (20th) and 'Sing, Dance, Fight' (2d run), poor \$4,300.

Lafayette (Hayman) (3,300; 30-40)—'Argentine Nights' (U) and 'Pirates of Sky' (U). Nifty \$8,500. Last week, 'The Grand' (RKO) and 'Framed' (U), slick \$9,000.

20th Century (Dipson-Basil) (3,000; 30-40)—'Dance, Girl, Dance' (RKO) and 'Men Against Sky' (RKO) (nine days). Stout \$9,000. Last week, 'Lucky Partners' (RKO) (2d wk.) and 'Wagon Westward' (Rep) (five days), sloughed off to tame \$5,000.

Dwan on 'Trail'

Hollywood, Sept. 17. Allan Dwan goes to direct chore on 'Trail of the Vigilantes,' the next high-budget western at Universal, slated to start in two weeks.

Franchot Tone is set for a top role.

'Howards Va.' Hefty \$19,000 in Philly; 'Wyoming' Okay \$7,000, Rest Dull

REWARD Big Good But Checker-Playing Manager Got Caught

Philadelphia, Sept. 17.

The top exec of one of the circuits was making the rounds of his nabes last week. His first stop was a last-runner in West Philly. To his pleasant surprise the house was playing to S.R.O. biz with a long line waiting outside the ticket window.

The boss went into the theatre to hunt up the manager for a verbal pat on the back. A search of the house failed to locate him. The ushers shrugged their shoulders when Mr. Big asked where the manager was. In exasperation he walked into the men's room. Inside was the house manager enjoying a placid game of checkers with the fireman.

The h.m. was fired on the spot.

'BOOM,' \$27,000, CLEVE. SMASH

Cleveland, Sept. 17.

There's little gravy floating around, since most of it is being soaked up by 'Boom Town,' pulling near-record film attendances for State. House blotted up \$15,000 in initial three days and can bank on \$27,000 at least.

'Public Deb No. 1,' with Will Osborne's orch and Stanley Fields, are falling into Palace's just-fair classification. 'Sea Hawk' showing more push for Hipp, even on h.o.

Estimates for This Week

Allen (RKO) (3,000; 30-35-42-55)—'Not So Tough' (U). Ordinary \$3,000 if not pulled. Last week, 'Lucky Partners' (RKO), on h.o., nice \$4,000.

Hip (Warner) (3,700; 30-35-42-55)—'Sea Hawk' (WB) (2d wk.). Showing a profit on second frame, \$10,000, after excellent \$17,000 on initial week and certain to earn a move-over to Allen.

Palace (RKO) (3,200; 30-35-42-55)—'Public Deb' (20th), with Will Osborne's band and Stanley Fields on stage. Lot of names, but they don't look much on this marquee.

Only about \$12,000 in sight. Last week, 'Argentine Nights' (U) and Ben Bernie's orch, weak \$9,100 due to too much opposish.

State (Loew) (3,700; 30-35-42-55)—'Boom Town' (M-G). Sky-scraping money-maker. Should spurt to great \$27,000. Last week, by Mickey Rooney's p.a. to colossal \$39,000, just \$700 less than Jack Benny's house record.

Stiffman (Loew's) (1,972; 30-35-42-55)—'Coming Round Mouskain' (Par). Ambling along to so-so \$3,500. Last week, 'Foreign Correspondent' (UA), on second stanza, \$6,500, extra fine.

'Sea Hawk,' 'Wyoming' Hot \$7,500 in Seattle

Seattle, Sept. 17.

'Sea Hawk,' solo sans vaude at the Palomar, is getting nifty newspaper campaign, but no billboards. Biz warrants holding. 'Boom Town' played two houses last week and holds for second stanza at Fifth Avenue, going nicely. 'Rhythm River' moving across the street to the Music Box from the Blue Museum, while the latter gets 'Ramparts We Watch' changed here to 'Baptism by Fire'.

After two recent weeks of solo, 'Sea Hawk' is getting hefty billing. Latter has already done a week at the Orpheum and one at the B.M.

Estimates for This Week

Blue Museum (Hamrick-Evergreen) (850; 30-40)—'Ramparts We Watch' (RKO) (called 'Baptism by Fire' here). After two recent weeks of solo, 'Sea Hawk' is getting hefty billing. Latter has already done a week at the Orpheum and one at the B.M.

Coliseum (Hamrick-Evergreen) (1,900; 31-35)—'Gold Rush Maize' (M-G) and 'Maryland' (M-G) (2d run). Expect okay \$3,000. Last week, 'Turnabout' (UA) and 'Untamed' (Par) (2d run), swell \$3,300.

Fifth Avenue (Hamrick-Evergreen) (2,349; 40-50-65)—'Boom Town' (M-G) (2d wk.). Anticipates great \$8,500. Last week, immense \$12,500. Liberty (J. J.) (1,650; 30-40-56)—'Queen of Yukon' (Mono) and 'Haunted House' (Mono). Fine \$4,500. Last week, 'Staged Breakfast' (Col) \$4,100, okay.

Music Box (Hamrick-Evergreen) (850; 30-40-50)—'Rhythm River' (Par) and 'Chan Museum' (20th) shifted from Blue Museum, indicating tuneup \$2,100. Last week, 'Kit Carson' (UA) and 'Girl from Avenue A' (20th) \$2,000, okay.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—'Want Divorce' (RKO) and 'Millionaire in Prison' (RKO). After three slow days, \$1,600. 'Rangers of Fortune' subbed for 'Millionaires,' 'Divorce' holding; big \$6,000.

Palace (Hamrick-Evergreen) (2,600; 30-40-50)—'Wyoming' (M-G) and 'Kildare Home' (M-G). Paced at nifty \$7,000. Last week, 'Boom Town' (M-G) socko \$12,500. Last week, 'Kit Carson' (UA) and 'Private Affairs' (U) (2d run) Eying okay \$2,000. Last week, 'Love and Luck' (20th) (WB) (5th wk.), \$2,300, big.

Winter Garden (Sterling) (800; 16-32)—'Waterloo Bridge' (M-G) and '2 Gals & a Broadway' (M-G) (2d run). Expect good \$2,000. Last week, 'Susan and God' (M-G) and 'Florian' (M-G) (2d run), \$1,700, slow.

Philadelphia, Sept. 17.

It's practically all holdovers and second runs in the downtown zone this week, with 'Howards of Virginia' among the first-runs cornering the field with a hefty \$19,000 indicated for the Stanley tills. For the rest, it's just keeping ahead of the house averages. Roy Robbins, Karlton manager, tried to inject some interest in 'Lady in Question' by offering 10 pairs of oaks to the ball-and-chainers submitting best letters on how they popped the question, but it will take much more than that to hype 'em.

Flood of horse opsy sagas finds 'Wyoming' getting the best attention, with the Stanton headed for nifty \$7,000 round-up. 'Boom Town' is slipping plenty after two strong weeks at the Earle, but is holding for a fourth while the house reads for the return of vaude.

Estimates for This Week

Aldine (WB) (1,303; 35-46-57-68)—'Captain Cautious' (UA). Not very courageous run for the likings of this house and heads for disappointing \$8,000. Last week, 'Kit Carson' (UA), yanked after the second day of its second week, and the \$9,300 for nine days was nothing to disturb the Indians about.

Arcadia (Sablowsky) (600; 35-48-57)—'Staged Breakfast' (Col) (3rd run). Still plenty of money around for this one after having a two-house opening, opening up for a fourth on a second run, with \$4,000 in sight on this showing. Last week, 'Golden Fleeing' (M-G) (2nd run), for single day, and 'Young People' (20th) (2d wk.), \$1,700, established a new high for empty seats at the house, barely making \$1,000 for four days, with 'Breakfast' coming in the rescue on Friday (13).

Boys (Warner) (2,500; 31-65-67-68)—'Time Comedy' (WB) (2d wk.). Holding up surprisingly well with \$9,500 in sight for second week, after good great gains the first stanza with \$18,700.

Earle (WB) (3,758; 45-57-73)—'Boom Town' (M-G) (3rd wk.). Slipping badly with \$15,000 considered likely for third stretch. Second week was terrific \$24,800, after record-breaking \$36,700 on opener. However, will linger a fourth week, giving the house until Sept. 27 to get its stage set for George Jessel's Hollywood unit.

Fox (WB) (2,423; 35-46-57-68)—'Foreign Correspondent' (UA) (2d wk.). Looks good for \$12,000, after opening with \$10,000.

Karlton (WB) (1,065; 35-58-68)—'Lady Question' (Col). First first-run in many weeks for this house, but will be plenty lucky if it hits \$3,000. Poor \$2,000, but 'Argentine' (M-G), fared much better and, considering it was a third week on a second running, \$4,800 was great.

Keith's (WB) (1,970; 35-46-57-68)—'Pastor Hall' (UA) (4th run). Selling at a snail's pace, with poor \$3,600 the best than can be hoped for. Last week, 'Sea Hawk' (WB), brighter \$4,800.

Stanley (WB) (2,918; 35-46-57-68)—'Howards of Virginia' (Col). With only a trade showing to get it started locally, proving to be the town's leader. Around \$1,000 practically assured. Last week, 'Lucky Partners' (RKO) went to pieces for its second week, getting \$7,000.

Stanton (WB) (1,457; 35-46-57)—'Wyoming' (M-G). House is in the groove for the first time in several spectacles, with \$7,000 meaning plenty of chips. Last week, 'Staged Breakfast' (Col), kept up its merry pace with \$4,800 in second week on second running.

(850; 30-40-50)—'Rhythm River' (Par) and 'Chan Museum' (20th) shifted from Blue Museum, indicating tuneup \$2,100. Last week, 'Kit Carson' (UA) and 'Girl from Avenue A' (20th) \$2,000, okay.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—'Want Divorce' (RKO) and 'Millionaire in Prison' (RKO). After three slow days, \$1,600. 'Rangers of Fortune' subbed for 'Millionaires,' 'Divorce' holding; big \$6,000.

Palace (Hamrick-Evergreen) (2,600; 30-40-50)—'Wyoming' (M-G) and 'Kildare Home' (M-G). Paced at nifty \$7,000. Last week, 'Boom Town' (M-G) socko \$12,500. Last week, 'Kit Carson' (UA) and 'Private Affairs' (U) (2d run) Eying okay \$2,000. Last week, 'Love and Luck' (20th) (WB) (5th wk.), \$2,300, big.

Winter Garden (Sterling) (800; 16-32)—'Waterloo Bridge' (M-G) and '2 Gals & a Broadway' (M-G) (2d run). Expect good \$2,000. Last week, 'Susan and God' (M-G) and 'Florian' (M-G) (2d run), \$1,700, slow.

Beery-Kildare Fine \$18,000 in S.F.; Ditto 'Correspondent' At \$11,000

San Francisco, Sept. 17. (Best Exploitation Golden Gate) Quiet week in Frisco, hot weather and final days of Fair all contributing to nick b.o. takes. Although starting somewhat light on midweek, "Foreign Correspondent" will do okay for United Artists. Third week of "Boom Town" is keeping turnstiles clicking at Warfield.

Stunt of the week was pulled by Golden Gate with "Lucky Partners" gag, in which couple matched numbers for free admissions. Tied in with Chronicle, it netted not only beautiful free space but national wire breaks when couple who met at the theatre decided to make their sudden friendship permanent and got hitched.

Estimates for This Week
Fox (F-WC) (5,000; 35-40-50)—"Wyoming" (M-G) and "Kildare Home" (M-G). Beery-Kildare popularity of Kildare series pushing this to \$18,000, excellent. Last week (2d), "Sea Hawk" (WB), fine \$10,000.

Golden Gate (RKO) (2,850; 39-44-55)—"Lucky Partners" (RKO) (2d wk). Aided by "Lucky Partners" exploitation stunt which culminated in wedding for a "Folies Bergere" dancer, Rorger-Colman flick will do close to \$10,500. Last week, healthy \$18,500.

Orpheum (F&M) (2,440; 35-40-50)—"Argentine Nights" (U) and "Leather Pushers" (U). Gold art and music; probably will lure close to \$8,500. Last week, "Lady Question" (Col) and "Slightly Tempted" (U), good \$7,000.

Paramount (F-WC) (2,740; 35-40-50)—"Want Divorce" (Par) and "Leather Pushers" (U). Only \$9,000 anticipated for this, same as last week's "Public Deb" (20th) and "Wax Museum" (20th).

St. Francis (F-WC) (1,470; 35-40-50)—"Sea Hawk" (WB). Moveover from Fox giving this old satisfactory \$3,000. Last week, "Rhythm River" (Par) and "Girl Goes Country" (Rep), as expected at \$5,500.

United Artists (Cohen) (1,200; 35-40-50)—"Foreign Correspondent" (UA). Evenings at \$11,000, fine. Last week, "Pago Pago" (UA) (2d wk), struggled through to \$5,000.

Warfield (F-WC) (2,680; 40-50-65)—"Boom Town" (M-G) (3d wk). Great \$13,000 on the way for first time in upped scale. Second frame even better than hoped for at \$16,000. This is the second clicker run in succession here, "Love You Again" (M-G) riding for three weeks just ahead of Cable-Tracy opus.

DANCE, GIRL, \$4,500, N.G. IN SAGGING OMAHA

Omaha, Sept. 17. Omaha downtown business is sagging noticeably. When the Daltons Rode and "Sailor's Lady" at the Orpheum, will do well to reach \$5,500, while "Dance, Girl, Dance" and "The Man Who Talked Too Much" at Brandeis, won't top \$4,500. At the Omaha, the second week of "Boom Town" will roll up fair \$8,000, which isn't bad, but decidedly not big for this house.

Estimates for This Week
Orpheum (Tristates) (3,000; 10-25-40)—"Daltons Rode" (U) and "Sailor's Lady" (20th). Will be lucky to get fair \$8,500. Last week, "Sea Hawk" (WB) and "Chan Wax" (20th), ran up good \$9,200.

Brandeis (Mort Singer) (1,500; 10-25-40)—"Dance, Girl, Dance" (RKO) and "Man Talked Too Much" (WB). Slipping to \$4,500, below average. Last week, "Stayed Breakfast" (Col) and "Millionaires Prison" (Col), good \$8,800.

Omaha (Tristates) (1,400-45-55)—"Boom Town" (M-G) (2d week). Nice \$8,000. Last week, big \$13,500.

State (Goldberg) (900; 10-20-25)—"Mortal Storm" (M-G) and "Across Bay" (UA). Split with "Earthbound" (20th) and "Phantom Raiders" (M-G). Fair \$1,400. Last week, "Tom Brown" (RKO) and "Sing, Dance, Play" (Rep), split with "Cisco Kid" (20th), "Ann Widy Poplars" (RKO) and "Alias Deacon" (U), fair \$1,500.

State (Goldberg) (1,500; 10-20-25)—"Pastor Hall" (Col) and "Riders Nowhere" (Mono), split three ways with "Home on Prairie" (U), "Cross Country Romance" (RKO) and "Rampage Over Range" (RKO), trifle \$1,200. Last week, "Orchid" (WB) and "Kildare" (WB) (M-G), split with "Women War" (Rep), "Wagons West" (Rep) and "Ann Widy Poplars" (RKO), good \$1,400.

Key City Grosses

Estimated Total Gross
This Week.....\$1,573,500
(Based on 25 cities, 175 theatres, chiefly first runs, including N. Y.)
Total Gross Same Week
Last Year.....\$1,637,206
(Based on 27 cities, 179 theatres)

ROONEY 36G FOR PITTSBURGH RECORD

Pittsburgh, Sept. 17. Deluge of new house records is descending on Pittsburgh all of a sudden. On the heels of "Boom Town's" new mark at Penn comes Mickey Rooney in person this week to Stanley to heel Kay Kyser's high into the ground by at least a grand and maybe more. WB deluxer's running form and six shows daily and only abundance of kids, at lower prices, keeping spot from going sky high.

Overflow is keeping entire downtown sector hot, with his book- ing into upper brackets everywhere. H.O. of "Boom Town" at Penn great. He stayed for breakfast giving Alvin best take in some time, and sticks. Even Warner's dual of "Gold Rush Malsie" and "Over the Moon" is grabbing more than its share. "Sea Hawk" at Ritz in 3d downtown week moving forward smartly and Fulton can't see the ticket office. "Earthbound" and "Girl from Avenue A" Stanley, of course, had a natural to exploit in Andy Hardy in person, and it was merely a matter of shifting the ticket offer. Everybody wanted an in and management could have had everything in town for the asking.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50)—"Stayed for Breakfast" (Col). Started off just fair, but as soon as Rooney brought the crowds downtown, Douglas-York at there for the first high immediately and will wind up great at nearly \$10,000. That means a second session with plenty to spare. Last week, second of "Frank James" (20th), off to \$3,000 in six days after big opener.

Fulton (Shea-Hyde) (1,800; 25-40)—"Chan Museum" (20th) and "Circus" (20th). Under ordinary circumstances this twiner would hardly leave a dent, but anything goes this week, and Fulton should do well enough at \$2,800. Last week "Sailor's Lady" and "Dance, Girl, Dance" (Alliance), pretty good \$2,000.

Penn (Loew's-UA) (3,300; 29-41-59)—"Boom Town" (M-G) (2d wk). Beating every previous h.o. mark in house's history. Second Saturday even bigger than the first and should come pretty close to \$19,000, sensational for final seven days. Film will move to Warner Friday (20) and should be gone at \$2,800, giving two weeks, maybe three. Last week "Boom" turned in new house record at Penn, bit better than \$33,000, to top previous mark held by "Snow White" (RKO) by couple of grand.

Ritz (WB) (800; 29-41-55)—"Sea Hawk" (WB). Upped prices still prevail for continuation of downtown run at small-seater and it's a big help in film's 3d wk after fortnight at Stanley. Looks like \$3,300 anyway, and nobody's going to complain about that. Last week "I Love You Again" (M-G), 4th wk in town, swelled to \$2,800, giving two weeks, maybe three. Last week "Boom" turned in new house record at Penn, bit better than \$33,000, to top previous mark held by "Snow White" (RKO) by couple of grand.

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Warner (WB) (2,000; 25-40)—"Gold Rush Malsie" (M-G) and "Over the Moon" (UA). "Malsie" seems to be better than that for almost untold. Last week "Rhythm River" (Par) got \$4,800 after \$15,000 previous week at Penn.

'Hawk,' \$4,100, 'Dr. Wife,' \$3,300, Best in Lincoln

Lincoln, Neb., Sept. 17. "Boom Town" is holding over at the Lincoln for a second week and, although dropping sharply from the initial week, takes about still come off with average money.

Among the new ones, most coin is going to "Sea Hawk" at the Stuart. **Estimates for This Week**
Colonial (Monroe-Dent) (750; 10-15)—"Fighting Renegade" (Colony) and "In Old Missouri" (Rep), split with "Law Texas" (Col) and "Last Alarm" (Mono). Fair \$800. Last week, second runs.

Lincoln (Cooper-Paramount) (1,503; 10-25-35-45-55)—"Boom Town" (M-G) (2d wk). Appears en route to average \$5,000, after very good first week at \$5,200.

Nebraska (Cooper-Paramount) (1,236; 10-20-28)—"Cross Country Romance" (RKO) and "French Tears" (Par), split with "Earthbound" (20th) and "Gold Rush Malsie" (M-G). Good \$2,500. Last week, "Girl 313" (20th) and "Way Flesh" (Par), split with "Tom Brown" (RKO) and "Love, Honor and Obey" (10th), average \$1,100.

Steady (Cooper-Paramount) (1,884; 10-28-44)—"Sea Hawk" (WB). Doing \$4,100, very nice. Last week, "Dance, Girl, Girl" (RKO), poor \$2,000 in five days. Last week, "Earthbound" (20th) (1,017; 10-20-28)—"Gangs Chicago" (Rep) and "Haunted House" (Mono). Fairly good \$1,900. Last week, "God's Country" (Rep) and "Peppers Trouble" (Col), slow \$1,600.

Varsity (L. L. Dent-Westland) (1,100; 10-28-44)—"Doctor Wife" (Col). Word of mouth very good and may do good \$3,300. Last week, "Torril Zone" (WB), not so good \$2,500.

'BRIGHAM' NEAT \$7,000 IN BALTO

Baltimore, Sept. 17. Steady play all around here. "Brigham Young" the New, is attracting a consistent day and night trade, pointing to a most satisfactory figure. Also fairly strong is "The Ramparts" (RKO) and "Earthbound" (20th) and "Radio Star" on the stage of the combo Hipp. Rest holding their own.

Estimates for This Week
Century (Loew's-UA) (2,000; 28-30-60)—"Boom Town" (M-G) (3d wk). Holding very nicely at \$8,000, after okay total of \$32,000 for previous brace.

Hippodrome (Rappaport) (2,205; 15-28-39-44-55-66)—"Ramparts" (RKO) plus vaude. Sold extra strong and inching out satisfactory \$13,000. Last week, second of "Lucky Partners" (RKO) and vaude, failed to attract more than \$9,700 after nice holiday week to \$15,200.

Keith's (Schreiber) (2,406; 15-28-39-44-55-66)—"Brigham Young" (20th). Pointing to okay \$7,000, strong figure for very solid at \$5,500, after excellent \$3,300 on opening round. New Mechanic (1,581; 15-28-39-44-55)—"Brigham Young" (20th). Pointing to okay \$7,000, strong figure for very solid at \$5,500, after excellent \$3,300 on opening round. New Mechanic (1,581; 15-28-39-44-55)—"Brigham Young" (20th). Pointing to okay \$7,000, strong figure for very solid at \$5,500, after excellent \$3,300 on opening round.

Mon't Looks Better; Gracie Fields, \$4,000

Montreal, Sept. 17. "Lucky Partners" and "The Drive by Night" are out in front currently, and there are several others clicking merrily. General biz looks more like fall conditions, with the three ace houses liable to show nice grosses. Gracie Fields pic at Princess will get good call.

Estimates for This Week
Princess (2,700; 15-45-55)—"Lucky Partners" (RKO). Good \$7,000 in sight. Last week's repeat of "Love Again" (M-G) came through with nice \$5,500.

Capitol (2,700; 25-45-55)—"Drive by Night" (WB) and "Calling Husbands" (WB). Going strong for probable \$7,500. Last week, "Breakfast" (Col) and "Military Academy" (Col), fair \$5,000.

Loew's (CT) (2,300; 30-40-60)—"Foreign Correspondent" (UA) (3d wk). Pacing for good \$5,000, after nice \$7,000 last week.

Loew's (CT) (2,300; 30-40-60)—"Foreign Correspondent" (UA) (3d wk). Pacing for good \$5,000, after nice \$7,000 last week.

Tucker-Baker Swing L.A. Par to Big \$30,000; Barrymore Sad \$17,000, 'Flowing Gold' Isn't, H.O.s Firm

Broadway Grosses

Estimated Total Gross
This Week.....\$290,800
(Based on 12 theatres)
Total Gross Same Week
Last Year.....\$315,200
(Based on 12 theatres)

'BOOM,' \$42,000, TERRIFIC IN 2 HUB SPOTS

Boston, Sept. 17.

"Boom Town" is packing 'em in at Loew's two stands, the Orpheum and State, and looks set for a holdover. "Hired Wife" is strong at the Keith Memorial.

Otherwise, biz is quiet, marking time for national American Legion convention here next week.

Estimates for This Week

Boston (RKO) (3,200; 28-39-44-55)—"Laughing at Danger" (Mono) and "Stage to China" (RKO), with six acts of vaude four days; and "Boys Syria" (RKO) (2d wk) and "Vengeance of Deep" (Fine Arts) (1st run, three days). Headed for pale \$6,500. Last week, "Maggie" (U), with Glen Miller on stage (65c top), smash \$27,500.

Fenway (M&P) (1,332; 28-39-44-55)—"Captain Caution" (UA) and "Earl Puddleston" (Rep). Fair \$4,000 gain. Last week, "Sporting Blood" (M-G) and "Public Deb" (20th), \$4,000.

Keith Memorial (RKO) (2,907; 28-39-44-55)—"Hired Wife" (U) and "Men Against Sky" (RKO). Aiming at very good \$18,000 with prospect of hold-over. Last week, second frame of "Lucky Partners" (RKO) and "Argentine Nights" (U), satisfactory \$12,000.

Metropolitan (M&P) (4,367; 28-39-44-55)—"Sea Hawk" (WB) and "Chan Wax" (20th) (2d wk). Headed for okay \$12,500 in second week. First week, okay \$23,000.

Orpheum (Loew's) (2,900; 35-44-55-65)—"Boom Town" (M-G) and "Lady Question" (Col). Pulling steady biz and pointing to terrific \$25,000. Last week, "Love Again" (M-G) and "Blondie Servant" (Col) (both 2d wk), \$13,500.

Paramount (M&P) (1,797; 28-39-44-55)—"Captain Caution" (UA) and "Earl Puddleston" (Rep). Medium \$6,000 indicated. Last week, "Sporting Blood" (M-G) and "Public Deb" (20th), \$6,000.

Scollay (M&P) (2,538; 28-39-44-55)—"Rhythm River" (Par) and "Sporting Blood" (M-G) (both 2d run). May \$5,000, big. Last week, "Flowing Gold" (WB) continued run from Par and Fenway) and "Scatterbrain" (Rep) (2d run), \$4,300.

State (Loew's) (3,600; 35-44-55-65)—"Boom Town" (M-G) and "Lady Question" (Col). Very big \$17,000 on the way. Last week, "Love Again" (M-G) and "Blondie Servant" (Col), both holdovers, \$8,500.

'Breakfast' Appetizing \$10,500 in Okay Denver

Denver, Sept. 17.

"Boom Town" is plenty strong in its second week at the Orpheum. "Want Divorce" started strongly at the Denham, and may stay two weeks. "Stayed for Breakfast" and "Has Wings" are solid at the Denver.

Estimates for This Week

Aladdin (Fox) (1,400; 25-40)—"Sea Hawk" (WB). After a week at the Denver, nice \$4,000. Last week, "Kit Carson" strong with \$4,500, after a week at the Denver and a world premiere for one night at six local houses.

Broadway (Fox) (1,040; 25-35-40)—"Pastor Hall" (UA). Fair \$2,500. Last week "Lucky Partners" (RKO) and "Millionaires in Prison" (RKO), after a week at the Orpheum, fair \$2,500.

Los Angeles, Sept. 17.

About the only bright spot in town on current stanza is the Paramount, which is piling up close to \$31,000 with combination of "Want a Divorce" on screen and the Orrin Tucker orch, featuring Bonnie Baker, on stage. Other newcomers faring badly, particularly "Great Profile," at the State and Chinese and "Flowing Gold" at the day-date Warner houses. Only other newcomer is Paramount's "Light of Western Stars," at Orpheum, doing little better than average biz.

Holdovers include "Lucky Partners," at the RKO and Pantages, with a new second feature, and "Gone" and "Prejudice," at the Hawaii and Four Star, respectively. Brigham Young doing okay on moveover to the Wilshire, but weak at the United Artists.

Paramount is holding "Divorce" for second week, but bolstering it with "Argentine Nights" (U) and replacing Tucker orch with the Merry Macs.

Estimates for This Week

Chinese (Grauman-F-WC) (2,024; 30-44-55)—"Great Profile" (20th) and "We Are Young" (M-G). Barrymore opus outdrawing its downtown day-dater, but at \$9,000 is no comfort. Last week, "Brigham Young" (20th), single big week advanced prices, disappointing at \$11,700.

Downtown (WB) (1,800; 30-44-55)—"Flowing Gold" (WB) and "Calling Husbands" (WB). After three weeks of steady biz, house slumping currently and slim \$7,000 in sight. Last week, five days of third, "Sea Hawk" (WB), very good \$4,700.

Four Star (UA-F-WC) (900; 30-44-55)—"Pride Prejudice" (M-G) (5th wk). Should hit okay \$3,100 on current stanza, with one week to go, being replaced (25) by "Foreign Correspondent" (UA). Last week (4th), \$3,800, fair.

Hollywood G&S (1,100; 85c-11.10-15.50)—"Great Profile" (20th). Biz easing off to \$5,000 on sixth week, but house is launching big campaign for start of seventh week in hope grosses start again high the upbound. Fifth week ended with around \$7,500.

Hollywood (WB) (2,750; 30-44-55)—"Flowing Gold" (WB) and "Calling Husbands" (WB). Opened dimly and will be lucky to hit \$5,000 on the current stanza. "Sea Hawk" (WB), on five-day third week, okay \$4,600.

Orpheum (B'way) (2,200; 30-44-55)—"Western Stars" (Par) (1st run) and "Cross Country Romance" (RKO) (2d), with stage show. After several weeks of steady biz, run screen rare, house blossomed current with first run of Harry Sherman's production of Zane Grey's opus for neat \$8,000.

Pantages (Pan) (2,812; 30-44-55)—"Lucky Partners" (RKO) (2d wk) and "Maggie" (U). Piled up close to \$12,000 on first stanza, and is headed for neat \$9,000 on second week.

Paramount (Par) (3,595; 30-44-55-75)—"Lucky Partners" (RKO) and Orrin Tucker-Bonnie Baker. Grinding out terrific \$30,000 on the week, screen opus holding over supplemented by "Argentine Nights" (U). Orch given credit for sure \$10,000. Mary Macs replaced on stage Monday (1st) of week. "Comin' Round Mountain" (Par) and "Rhythm on River" (Par), later on holdover, just so-so \$9,500.

RKO (RKO) (2,872; 30-44-55)—"Lucky Partners" (RKO) (2d wk) and "Maggie" (U) dual. Should grind out another good \$8,500 on holdover stanza. Last week, "Millionaires in Prison" (RKO), neat \$11,000.

State (Loew-F-WC) (2,414; 30-44-55)—"Great Profile" (20th) and "Young" (M-G). Complete washout in downtown section, with meagre \$8,000 in sight. Last week, "Brigham Young" (20th), okay \$4,500, admissions, \$14,000, disappointing.

United Artists (UA-F-WC) (2,100; 44-55-75)—"Brigham Young" (20th). On moveover will likely hit slim \$8,000. Last week, "Love Again" (M-G) and "Pride Prejudice" (M-G), \$4,100.

Wilshire (F-WC) (2,296; 44-55-75)—"Brigham Young" (20th). Mormon opus on moveover will hit fair \$5,600. Last week, "Love Again" (M-G) and "Pier 13" (20th), big \$8,000.

Big \$11,000. Last week, broke records, \$20,000.

Paramount (Fox) (2,200; 25-40)—"Argentine Nights" (U) and "Mummy's Hand" (U). Nice \$4,500. Last week "Young People" (20th) and "Queen of Yulks" (Mono), \$4,500.

British Studio Workers to Seek Closed Shop From Producers

London, Sept. 3. Closed shop for studio workers will be made a motion for tabling by National Assn. of Kinema Employees at annual meet. of Trades Union Congress in October. George O'Brien, labor rep for picture workers, announcing move, stated union has earned this gesture from producer groups in view of labor's help in recent industry crises arising out of war developments.

Decision probably hies from fold of Producers Assn. here recently, when group shuttered its activities as result of breakaway by independents for their own committee. Studio unions had negotiated a collective pact with the Assn., terminating end of this year. Any continuance of labor's wage and conditions deal must now be handled through individual producers.

Cine Technicians group under George Elvin is also concerned in these workers' dealings. Along with O'Brien a joint union block will be formed to keep producers and studios in line. Elvin is already in contact with Ealing Studios outfit and the Gaumont-British organization at Shepherd's Bush.

Fold of Producers Assn. was occasion of a peeve burst from Chairman Richard Norton, when signifying his regret at 'disintegration' of an apparently powerful unit in picture industry. Citing lack of consistency among members as responsible for the breakdown, Norton saw producers' move in formation of an independent body as sacrificing the group in order to get their own way. It is expected laboratory units will follow the producers and install their own organization.

British Film Theatres Used As Smokescreen Aid In Nazi Air Raids

London, Sept. 3. British cinemas part in war effort to go beyond merely keeping the folks entertained. At least, it's so in industrial areas, for which a new government scheme has lined up picture theatres for creation of smoke screens over important warwork districts where enemy air raids are likely to be directed. Central heating plants are to be treated for promoting an immediate pall with news of air activity. In most cases, move will necessitate overhaul of furnaces since local sanitary laws have seen to the creation of special equipment designed to reduce soot and haze.

More and more is the picture palace coming in for attention—sometimes the wrong kind. Recent London raids have seen cinemas as the direct victims of bombing, their square, flat roofs apparently indicating some target of military or industrial importance. Exhibs early in the raid scare were seeking some official advice on the need for determining some effective camouflage for cinema roofs, but move was sidetracked pending actual experience. They've had it.

PRATCHETT TO REPORT ON ANTI-BLOCKBOOKING

A. L. Pratchett, Paramount's Central American manager, who arrived in New York this week from an inspection trip of his territory, will make a formal report on the status of the anti-blockbooking decree in Cuba sometime this week.

Pratchett was delegate to check on the situation for the whole industry.

Joe Fisher, Ward Wing's Far East Film Outfit

Hollywood, Sept. 17. New film company to produce pictures in Singapore, Malaya and the East Indies is being formed here by Joe Fisher, owner of a theatre circuit in those parts. Plan is to make a minimum of four features in two years.

Associated with Fisher as producer-director is Ward Wing, who has made several pictures in Malaya. One of them was 'Samorung', released in the U. S. by United Artists.

More Nazi Bars on U.S. Pix

Washington, Sept. 17. Exhibition of American films in Belgium and Northern France has been banned by the German military authorities in keeping with the program of shutting off outside information to the occupied districts.

Report to the Commerce Department from Brussels says the Nazi decree includes cities of Calais, Dunkirk, Boulogne, Lille, Douai, Cambrai and Valenciennes, and the situation in Belgium now is identical with that in Germany proper.

BRITISH EXPAND PROPAGANDA DISTRIB

London, Sept. 3. Appointment of Robert Weait to distribution duties on Ministry of Information's film product foreshadows immediate government activity in the export field. Weait was released by Associated British for the post, functioning with latter as export sales chief.

MOI has until now confined its overseas activities to newsreel clips; new move is planned as part of drive to get British propaganda shorts on far-flung screens.

It is not unlikely MOI bid will see its export machinery on films used as base for use by independent British feature product with cessation of war. Since government virtually controls film biz through the quota setup, pictures are thus of national concern and are assuming added importance nowadays as a source of foreign coin-getting. Already plans have been sketched in for film product to be handled as part of various commodities handled by Board of Trade in an export drive. A special film section was grafted onto the BOT setup. Feature producers here view the possibilities as being of considerable worth.

Rosita de la Plata's Death In Buenos Aires Recalls Her So. Amer. Popularity

Buenos Aires, Sept. 17. More attention than has been given any other figure in the South American entertainment world in recent years was displayed here recently in notices on the death of Mrs. Frank Brown, known professionally as Rosita de la Plata.

Brown, 32, is an English-born circus man long resident here. He and his wife have been perhaps, the best known foreign performers to come to South America. He was impresario and comic No. 1 until his retirement in 1924 and his wife had an equestrian act which was a highlight of Brown's shows for years. Their joint career, covering every corner of the globe, was featured in the local press despite the crush of cabinet crises and war news. It provided proof of an axiom often repeated by showmen here—once you click in South America, you're good for a long time.

Born Rosalie Robba in Berlin, Mrs. Brown started her circus career there when she was nine. A year later she was taken to Barcelona, where she did a tight-rope and trapeze act. A Russian royal couple admired her and offered to adopt her, but she pleaded to remain with the circus. Many U. S. showfolk came to know her when, after starring at Covent Garden, London, before Queen Victoria, she was signed by Barnum & Bailey and toured the U. S. She began to leave the most agile of her acts in 1899 when she was married. But she kept going until 1913 on trick horses and light-rope dancing.

African Cons.-Col. In Product Deal
Cape Town, Aug. 17.
Contract has been signed by African Consolidated Theatres and Columbia for the latter's entire output.

ANTI-NAZI PICTURE RECALLED BY SOVIET

Auckland, N. Z., Aug. 28. After running the Russian-made, anti-Nazi pic, 'Professor Mamlock', over the Fuller loop for some time, Sir Ben Fuller attempted to make a deal with pic's agent for additional playdates.

Agent informed Fuller that as Russia and Germany were linked in a trade agreement, the pic had been recalled and no other deal could be made for Australia.

EXPORT PLAN DISCREDITED

Suggestion that a central export organization for all major U. S. companies might be set up to handle business of American distributors in Europe is discredited by foreign chiefs. There also was talk of this 'expediency' two years ago, but nothing came of it. A main export unit for all companies has been tried in the past and always found a failure.

Fifteen years ago, Paramount, UFA and Metro went together in one outfit, known as Parufamet, to distribute in Germany, but it did not work out too well. Previous to that First National (Warner Bros.), Famous Players (Paramount) and Metro established Panamet to handle distributing for much of Europe. That unit died quickly.

RKO distributed through other companies before it established its present world-wide distribution system. Generally acknowledged that this was unsatisfactory and is the explanation for the present foreign setup of its own.

Foreign executives point out that there would be no particular advantage for such a main export organization presently.

French Films Available For U.S. Arty Theatres Despite Productions Lull

While arty theatres in U. S. are launched in the fall seasons with a swing towards Latin-American productions, there still will be plenty of French-made films available for showing, at least in the early part of the season. Both foreign-language picture distributors and exhibitors showing the foreign makes describe the new season as one of transition, when French-made productions will be exhibited along with Spanish language. Also, it will likely test the Latin-American vehicles.

There are virtually no new French-produced pictures coming in from Europe but foreign-language distributors claim there is plenty French-made product, either already bought or available for purchase, in this country. It is not before things became too hot in France. For instance, Julien Duvivier's picture, 'They Were Five,' starring Jean Gabin, has opened in the New England territory with a run at the Fine Arts, Boston.

Bans Circuses

Mexico City, Sept. 17. Ambulant circuses and such strolling entertainers as fire eaters and acrobats have lost a highly profitable pitch here as the civic fathers have banned them from the downtown belt.

This action is to relieve traffic congestion.

B'way Plays

Continued from page 1

boards at an outlay of between \$8,000 and \$10,000.

Newest requirements were injected by the stagehands, scenic artists and costumers unions. Latter require a member to be contracted for whether the show calls for ordinary wearing apparel or not. Musicians insist that an orchestra be placed in the pit if any disc music is used back stage and the stagehands require an extra electrician to operate the talking machine. There are new rules about the painting of flats, with the stagehands putting on an extra man who does little except observe. Union says that it must reduce unemployment but that does not assuage the manager and his production headaches.

Preparedness Cycle

Continued from page 3

Up to last weekend, however, there were 15 features on major lots in various stages between merely being mulled over and being in cans. There were, in addition, one five-reel documentary, four two-reel Technicolor shorts and one single-reel ready for release.

Warner Bros. easily leads the patriotism list with five features either definitely on its schedule or being considered and four shorts completed. Evidence of the effort to get the pictures out speedily is the shift in James Cagney's schedule to permit him to appear in 'The Tanks Are Coming', to be filmed at Fort Knox, Ky. Cagney was originally slated to star next in 'One Sunday Afternoon,' which has been pushed back.

Metro has three pictures on its card which have decided preparedness ideas or may be converted into those channels. Only one, 'Flight Command,' dealing with naval air training, is actually in the making. Paramount has one feature before the cameras, 'I Wanted Wings,' another in the probability stage, 'Caught in the Draft' (Bob Hope), and is about to release a five-reel documentary 'World in Flames,' prepared by its newswear.

'Ramparts' the Frankest

RKO and 20th-Fox each have two features on the preparedness theme. RKO's, 'The Ramparts We Watch,' made by March of Time, probably faintest of all films in sailing for America to get ready, is already on release. Other RKO entry is only a possibility for incorporating this theme. It's Orson Welles' 'Citizen Kane.' Fox has 'Yankee Doodle Goes to Plattsburg' and 'Sergeant Sam Dreben' on its slate. 'Dreben' deals with the last war but, like WB's 'Sergeant York,' will probably get an injection of current-day feeling.

United Artists has Charles Chaplin's 'The Great Dictator,' which by savage satirical slashes at the axis will no doubt drum up preparedness enthusiasm. Already in release by UA is 'Foreign Correspondent' (Wanger) which, while not in itself a cry for defense, winds up with a strong plea to the U. S. to 'ring its lights with steel.'

List of pictures with preparedness and conscription angles follows: A few of them are actually in production. Most, however, are in the scripting stage, while others are merely being mulled and may never see a camera lens.

Warner Bros.

'The Tanks Are Coming.' James Cagney will star. Previous assignment, 'One Sunday Afternoon,' postponed to allow this to shoot first. Will be made at Ft. Knox, Ky.

'The Cavalry Rides Again,' written by WB player Ronald Reagan, who will also star in it. No work done on it yet.

'You're in the Army Now.' Original concept by Jerry Wald and Richard Macaulay. Deals with timid clerks and bookkeepers who become hardboiled officers giving orders to their former bosses. Warners own this but it is still on their yes-and-no list for early production.

'Sergeant York.' Story of World War I hero now being written. Angles pertaining to present situation expected to be inserted.

'50,000 Fliers.' Based on President Roosevelt's assertion that the United States will have 50,000 planes. This is also on the doubtful schedule.

'Service With the Colors.' Two-reeler is Technicolor, dedicated to the Army. Filmed at the Presidio, San Francisco. Will be premed in Utica, N. Y., shortly.

'Young America Flies.' Two-reel Technicolor short made in cooperation with the Civilian Aeronautics Authority detailing civilian pilot training.

'March On, Marines.' Another in the two-reel Technicolor series. Dedicated to the U. S. Marines. Filmed at the San Diego Marine base.

'Meet the Navy.' Dedicated to the fleet.

Twentieth-Fox

'Yankee Doodle Goes to Plattsburg.' Original by Delmar Daves and Robert Hopkins, purchased by Lou Edelman. Script now being prepared. Deals with preparedness via business men's training camp operated at Plattsburg, N. Y.

'Sergeant Sam Dreben.' Story of a hero of the World War, which will bring in angles on present situation. Latter was being screenplay by

William Anthony McGuire at the time of his death for production by Darryl F. Zanuck.

Paramount

'Caught in the Draft.' Comedy concerning conscription, probably with Bob Hope in the top role if it is made. Still on the maybe list, however.

'World in Flames.' Five-reel documentary compiled by Far newsreel from its clips and with a special ending and special commentary. Now ready for release.

'I Wanted Wings.' Story of the air force being filmed at Randolph Field, Va., now. With Ray Milland, William Holden, Wayne Morris, Brian Donlevy, Arthur Hornblow, Jr., producing.

Metro

'Flight Command.' Concerns naval air training. Now in production with Robert Taylor, Ruth Hussey, and Walter Pidgeon starred. Original by Comm. Harvey S. Haislip and John Sutherland.

'Combat Car.' Deals with mechanization of the army. Story by Lawrence Kimble will star Wallace Beery.

'Dawn's Early Light.' Story by Dorothy Thompson and Fritz Kortner on Revolutionary War patriotism, which will probably be tied up with present-day situation.

RKO Radio

'The Ramparts We Watch.' March of Time's first feature, now in release. Makes a strong call for preparedness.

'Citizen Kane.' Orson Welles' picture, it may have national defense angles included.

United Artists

'The Great Dictator' (Chaplin). Whole synopsis not yet revealed, but in its revolutionary War patriotism, which will probably be tied up with preparedness and defense.

Columbia

'Our National Defense.' One-reel short on Army, Navy and Marines. Went into release Aug. 30.

Heinie's Band

Continued from page 3

hour from 11:45 to 12:45 noon, but the ballyhoo bluffs are so numerous that they follow every number played; in fact, it often happens that two separate plugs for different advertisers are sandwiched in together between numbers.

Type of comedy interjected by Heinie in his program is illustrated by a bit that followed 'Uncle Sam Needs Men' in a recent broadcast: 'Yes, Uncle Sam needs men,' said Heinie, 'but he don't want musicians. In fact one of the boys applied for a job in the band, but they told him "Uncle Sam needs shooters, not tooters."

Which brought a loud guffaw from the studio audience, before which Heinie generally works, as well as from the bandmen themselves. This particular audience included the Ladies' Auxiliary of the Milwaukee Turnverein, an athletic as well as social organization, and at the finish of the broadcast Heinie thanked them for their presence, then got a big laugh as he ad libbed: 'And may you all have bigger and better muscles.'

Not only are Heinie and his Grenadiers a real click on the air and in the studio, but all the time they can spare away from the station is booked solid for months ahead with personal appearances at dances, picnics, county fairs, expositions and what not.

Tax Ruling

Continued from page 3

vious years is sufficient to transmute the present contract, even in part, into one resulting in the disposition of capital assets, assuming that unexpired, or uncopyrighted, musical and literary works can be considered as such.

Review of the circumstances disclosed that during 1935 RKO paid Berlin \$150,000 for his work in connection with the two Astaire-Rogers hits. The tunesmith reported to the Government that this represented receipts from 'sale' of music rights, deducting \$25,414 as 'cost' and figuring his actual capital gain was only \$120,758. Board remarked that three of five numbers for 'Top Hat' and five of those in 'Follow the Fleet' were either leftovers from previous shows or adaptations of earlier melodies.



Broadway Cheers
"RANGERS OF FORTUNE"

Hardboiled Broadway crowds go overboard on Paramount's newest hit. Read these quotes from N. Y. Paramount preview audience: "A riot of fun!" "Not a dull moment!" "Funniest I've seen in a long time!" "Albert Dekker steals the picture!"



Greenwich Village Cheers
"RANGERS OF FORTUNE"

Hard-to-please sophisticates of Village rave at Loew's Sheridan Square preview: "Enjoyed every moment. Hope there will be sequels!" "Superb. Utterly different!" "Rousing entertainment. A great picture!" "Unexpected twists make excellent entertainment!"



Kansas City Cheers
"RANGERS OF FORTUNE"

The heart of America gives its heart to a hit. We quote from Newman Theatre preview audience comments: "Best yet!" "So real I completely forgot my hay fever!" "Swelllegant!" "Wonderful!" "Great. I liked the fast-moving plot!"



Hollywood Cheers
"RANGERS OF FORTUNE"

The lads who tell America what pictures to see say: "Ranges from belly-laughs to belly-guns with never a let-down in entertainment. Should mean a fortune!"—*Jimmy Fidler*. "A rip-snortin' western!"—*L. A. Times*. "Fast, furious film fare!"—*L. A. Herald Express*. "Preview audience enjoyed themselves and howled!"—*L. A. News*. "If it isn't a hit, there's no such thing as a prediction of box office success!"—*L. A. Citizen News*.



Trade Papers Cheer
"RANGERS OF FORTUNE"

The boys who know pictures best say: "Hits the jackpot of popular preference. Western melodrama at its best!"—*Daily Variety*. "Superwestern on a larger scale with bigger names. Brilliant box office performance!"—*M. P. Daily*. "Chalk up another corking show for Paramount. Top entertainment."—*M. P. Herald*. "Lusty adventurous western of top-notch rating. Will hit profitable biz!"—*Variety*.



Everybody Cheers
"RANGERS OF FORTUNE"
Starlet BETTY BREWER

"You'll love Betty Brewer!"—*L. A. Herald Express*. "Betty Brewer cinch star material!"—*Hollywood Reporter*. "Betty Brewer a juvenile natural!"—*L. A. Times*.

**Broadway, Kansas City
and Hollywood Agree**
**SAM ("Goodbye
Mr. Chips") WOOD**
HAS PUT YOU
IN THE CHIPS
AGAIN with a brand
new kind of western... Real
life characters in a real life
drama of the American frontier



Paramount Presents

"RANGERS OF FORTUNE"

Fred MacMurray · Patricia Morison
Albert Dekker · Gilbert Roland · Joseph Schildkraut · Dick Foran · Betty Brewer

Original Screen Play by Frank Butler

Directed by SAM WOOD



STRIKE UP THE BAND

(MUSICAL)

Hollywood, Sept. 13. Metro-Goldwyn-Mayer release of Arthur Fred production. Stars Mickey Rooney, Judy Garland, Frances Gershwin, William Tracy, June Preisler, William Tracy, Larry Nunn. Directed by Arthur Fred. Screenplay by John Stone, Jr., and Fred Finklehoffe; songs, Arthur Fred, Roger Edens, George Shulz; camera, Ray June; editor, Len Lewis. Previewed at Westwood Village, Sept. 12. Running time, 119 MIN.

Mickey Rooney..... Judy Garland
William Tracy..... Frances Gershwin
June Preisler..... William Tracy
Larry Nunn..... Arthur Fred
John Stone, Jr..... Fred Finklehoffe
Roger Edens..... George Shulz
Ray June..... Len Lewis

'Strike Up the Band' is Metro's successor to 'Babes in Arms,' with Mickey Rooney, assisted by major trouping on the part of Judy Garland, dominating every minute of the extended running time. Picture is overall smacked entertainment in tune with present audience requirements, and will roll up top grosses and catch extended runs generally. It's a musical in every sense of the word, with Paul Whiteman giving strong support to the ensemble. There are several super-elaborate production numbers, and the peak of lavishness in both investiture and large ensembles. There's a neat admixture of musical numbers, both instrumental and vocal; plenty of youthful effort and a just boarding school. Although a musical, it's not a musical, and Mickey Rooney teams with Judy Garland in a wealth of effective entertainment.

Of minor importance to the general result is a lengthy finale number that does little more than dazzle with its elaborateness of production, and overfootage in the satirical staging of an old-time meller. After the preview, studio executives decided to cut the latter sequence to a minimum, which will drop at least seven or eight minutes from the running time. The story, also, provides too much sideline incident to the main theme, and only the expert trouping of Rooney and Miss Garland in these weak spots prevents the picture from losing attention to the enthusiastic musical talents of Rooney, who converts the highschool band into a swing orchestra, and then aims for a big band sound in the schoolastic band broadcast. Kids stage a dance and show to raise transportation coin, but then Whiteman and his aggregation arrive in the town to play a party for the school and his crew move in on the Whiteman instruments to get attention from the maestro. Resultant trip to Chicago naturally results in contest winning for the Rooney aggregation. The attention-arresting abilities of Rooney are again forcibly demonstrated here. Young star is a socko personality, and a very clever mover for most effective reaction. In addition to a stout performance, he sings, dances and plays both piano and drums in talented style.

Despite the overall dominance of Rooney, Miss Garland catches major attention for her all-around achievements. She's right there with Rooney in much of the story as his mentor, girl friend, and partner in the production numbers for both songs and dances, and rings the bell with several songs sold to the utmost.

Although 'Strike Up the Band' and 'Roger Edens' 'Our Love Affair' are only song numbers credited, several old-timers are inserted along the best bet of the band. Miss Garland of 'I Ain't Got Nobody' 'Band,' which is now one of UCLA's college songs, is used for the finale. 'Our Love Affair' is a slick sentimental tune that has a melody and has good chances of getting in the top song brackets.

Outstanding production number is a conga played by the school band, with the band playing in the ensemble, with Rooney and Miss Garland spotlighted prominently throughout. It's fast, speedy, presented with utmost showmanship, and a chinkeroo of top rating. The picture is a clever and ingenious little production number—with only Rooney and Miss Garland participating—is one of the most original sequences ever devised for pictures. In bragging to Judy how he will arrange and lead the band for the contest, Rooney sets out the contents of a fruit dish on a table and the band begins in many direction. The various pieces of fruit dissolve into small puppet musicians, playing their respective instruments in proper tempo. Episode is an outstanding example of imaginative treatment.

Direction by Busby Berkeley deftly carries through the story side, despite script deficiencies, but he is his element in the elaborate production and musical sequences. Photography of Ray June is in tune with the elaborate production layout.

Paul Whiteman appears effectively in several scenes towards the end, and the maestro really hits his stride on the bandstand for the start of the final number. Blonde and persuasive June Preisler is brought to life against the mischievous flirt who attempts to

cut in on the romance of Rooney and Miss Garland. Most prominent in the supporting cast are William Tracy, Larry Nunn, Ann Shoemaker, Frances Pierlot and Margaret Early.

CHRISTMAS IN JULY

Hollywood, Sept. 14. Paramount release of Paul Jones production. Stars Dick Powell, Ellen Drew, Frances Gershwin, Ernest Truex. Directed by Preston Sturges. Original screenplay by Preston Sturges. Screenplay by John Stone, Jr., and Fred Finklehoffe; camera, Ray June; editor, Len Lewis. Previewed at Westwood Village, Sept. 12. Running time, 68 MIN.

Dick Powell..... Ellen Drew
Frances Gershwin..... Ernest Truex
John Stone, Jr..... Fred Finklehoffe
Roger Edens..... George Shulz
Ray June..... Len Lewis

This is the second combined writer-producer effort of Preston Sturges following his initial dual chore on 'Great McGinty.' A mildly diverting program, 'Christmas in July' lacks both the overall spontaneity and entertainment impress of Sturges' first picture, and will hit ordinary moviegoers less than the run through a top dollar solo attraction. At best, it's an average programmer lacking luster in both marquee values and top entertainment factors.

Sturges' original script details the adventures of a young, romantic pair living on the East Side and hoping for the day when fortune will smile broadly enough for them to get rich. But the picture is a victim of a joke that advises he won \$25,000 in a slogan contest, even though the jury is still fighting over the winner. But he collects the check and proceeds to live on a heavy charge account, before cashing the windfalls, plays Santa Claus to everyone on the block, including his sweetheart, and then is presented with the payoff that it's a poney. But after the discovery of the final selection sees his slogan the ultimate winner.

Picture has its moments of comedy and interest, but these are interrupted too frequently by tedious and boring episodes that swing too much to the talkie side. There are flashes of the by-play and incidental intimate touches that are effective, but not enough to bridge over the tedious episodes.

Dick Powell progresses as a straight lead without benefit of vocalizing, providing a steady performance as the slogan award victim. Ellen Drew is decorative as the romantic interest, while Raymond Walburn, William Demarest, Ernest Truex and Harry Hayden provide effective support.

Money and the Woman

Warner Bros. release of First National production. Stars Jeffrey Lynn, Brenda Marshall, John Loder, Robert Pryor. Directed by William K. Howard. Screenplay by John Stone, Jr., and Fred Finklehoffe; camera, Ray June; editor, Len Lewis. Previewed at Westwood Village, Sept. 12. Running time, 40 MIN.

Jeffrey Lynn..... Brenda Marshall
John Loder..... Robert Pryor
John Stone, Jr..... Fred Finklehoffe
Roger Edens..... George Shulz
Ray June..... Len Lewis

'Money and the Woman' doubtless read satisfactorily in the script. Also this probably was an okay story when it was written. But somewhere along the line, the plot went astray. Result is a mild 'B' film, for the dual spots.

Peculiar thing about this picture is that it's a first-rate play. The audience never becomes deeply engrossed in what they do until all interest is lost in the welter of developments, appears to be direction and scriptural errors, miscasting further handicaps everything.

Original premise of the savings department teller in a city bank judge his accounts, becomes sick and an operation is necessary and his wife attempting to make things promises intriguing developments. That promise is never fulfilled. First, the wife's accounts, become sick and the discrepancies in the books are to be squared. And finally the culprit emerges (just out of the hospital) and the first-rate play begins. He shoots his way to safety. By that time, most interest is lost in what happens to any of the characters.

There is a money romance, ardently developed, between the bank vice-president and the crooked teller's wife. Then at the last moment, the crooked blonde bookkeeper is brought to life against the mischievous flirt who attempts to

Miniature Reviews

'Strike Up the Band' (M-G).

Mickey Rooney, Judy Garland and Paul Whiteman headline tonight film musical.

'Christmas in July' (Par).

Average light programmer provides mild amusement.

'Money and the Woman' (WB).

Capable cast fails to save this crook-romance from only fair twin-bill rating.

'Marge' (U). 'Hokum' comedy tying together familiar routines.

Dual supporting programmer for the family and juve houses.

'Laddie' (RKO). Gene Stratton-Porter sentimental story still good for rural audiences.

'Dreaming Out Loud' (RKO).

Lum and Abner, radio team, make their film debut in a B-minus.

'Five Little Peppers in Trouble' (Col).

Weakest in the Pepper series, and will do correspondingly at the box.

'Haunted House' (Mono). Mild thriller mystery, primed for the horror trade.

'Thundering Frontier' (Col).

Charles Starrett western slowed to a walk by too much singing instead of action.

'Under Texas Skies' (Rep).

Under standard for the Three Mesquiteer series.

'After Mein Kampf' (Crystal).

Weak propaganda against Hitlerism.

'Pretty or Plain They All Get Married' (Italian).

Excellent Italian-produced farce, but limited appeal for U. S.

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the only one doing solo for the comedy end, and provides a broad characterization of the Latin planter, one time, a little comedy, is low one of the products of a low little ballad. Camera work is on par with everything else. Scho.

Surprise finish is injected when—everything in a muddle—Andy Devine dashes in as gun-shooting cowboy, stops cold and declares, 'Excuse me, I guess I'm in the wrong picture.'

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of the cast. Only exception, perhaps, is Phil Harris, who isn't seen enough to get hurt. Miss Langford sings only one tune, a little comedy, is low one of the products of a low little ballad. Camera work is on par with everything else. Scho.

Five Little Peppers in Trouble

Columbia production and release. Features Edith Fellows, Dorothy Ann Seavey, Charles Starrett. Directed by Charles Starrett. Screenplay by Charles Starrett. Camera, George Shulz; editor, Arthur Shulz; songs, Bob Nolan. Previewed at Variety, Lincoln, dual. Running time, 68 MIN.

Edith Fellows..... Dorothy Ann Seavey
Charles Starrett..... George Shulz
Bob Nolan..... Arthur Shulz

Even the 'Peppers in Trouble' can't be interesting, and the film continues the screen's most drag family in a very weak story. At this juncture in the lives of the Margaret, Edith Fellows, characters, they go Horatio Algerish into a situation that corniest of obstacle-building—poor folks snubbed by the rich.

Once fireball Edith Fellows continues to become more soggy in 'Trouble' and in situations that would once have clawed out a couple of eyes, she turns that other cheek and lets herself be saved down by a bunch of old-timers in a just boarding school. Although a musical, it's not a musical, and Mickey Rooney teams with Judy Garland in a wealth of effective entertainment.

To dodge Ronald Sinclair's being taken through court action by his aunt, all the kids are bundled off to a boarding school. The school is a place to freeze the aunt out. Young female kittens bare their dislike for the bumpykins Peppers immediately and Edith Fellows is put to the butt of their pet. The school is a place to freeze the aunt out. Young female kittens bare their dislike for the bumpykins Peppers immediately and Edith Fellows is put to the butt of their pet. The school is a place to freeze the aunt out. Young female kittens bare their dislike for the bumpykins Peppers immediately and Edith Fellows is put to the butt of their pet.

Dorothy Peterson, the mother of the clan, and Pierre Watkin, the rich grandfather, head the list of character people, Mary Currier and Rex Evans getting in some kicks. Art.

HAUNTED HOUSE

Monogram release of William T. Lackey production. Stars Marcia Mae Jones, Jackie Moran, Charles Starrett. Directed by William T. Lackey. Screenplay by William T. Lackey. Camera, George Shulz; editor, Arthur Shulz; songs, Bob Nolan. Previewed at Variety, Lincoln, dual. Running time, 70 MIN.

Marcia Mae Jones..... Jackie Moran
Charles Starrett..... George Shulz
Bob Nolan..... Arthur Shulz

Since practically all moppets at some time or other have fancied themselves as the victims of a ghost, 'Haunted House,' co-starring the teen-age Marcia Mae Jones and Jackie Moran, will undoubtedly have a share of adolescent appeal. A darn tight but not a very interesting picture by the two youngsters in order to absolve a friend from a murder rap, this Monogram mystery has made a few dollars for the studio to the more mature picturegoers, but will likely produce some finger-licking for the impressive type of juve at whom the film is aimed.

For this type of picture, two more engaging youngsters than Miss Jones or Moran couldn't have been cast. They're typically highschoolish, and the screen's office couple are puppy love that the studio suggests, with Miss Jones' standouts as far as the thespian chores are concerned. Yarn revolves around Moran, as a newspaper office boy, who is responsible for the theft-murder.

Thundering Frontier

Columbia production and release. Features Charles Starrett. Features Iris Meredith. Directed by Charles Starrett. Screenplay by Charles Starrett. Camera, George Shulz; editor, Arthur Shulz; songs, Bob Nolan. Previewed at Variety, Lincoln, dual. Running time, 68 MIN.

Charles Starrett..... Iris Meredith
George Shulz..... Arthur Shulz
Bob Nolan.....

Take a good rousing boss opera, substitute static musical numbers for stunts and slow down the galloping action (Continued on page 16)



**GOOD NEWS
TRAVELS FAST**

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is welcome news...*

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NATIONAL *Screen* ACCESSORIES

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 reviews as given in VARIETY and the running time of prints are included.)

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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

WEEK OF RELEASE	Rev. in Var.	TITLE AND COMPANY	TYPE	TALENT	R. T.
7/19/40	8/7	MILITARY ACADEMY (Col)	D	Kelly-B. Jordan	66
	8/18	HAUNTED HOUSE (Mono)	D	M. M. Jones-J. Moran	70
	7/17	WHO ARE YOU (M-G)	CD	L. Turner-J. Shelton-G. Lockhart	72
	7/17	CAROLINA YOUNG (Rep)	W	G. Aubrey-S. Burnette-J. Storey	65
	6/26	CROSS COUNTRY ROMANCE (RKO)	RD	G. Raymond-W. Barrie	66
	7/3	MARYLAND (20th)	RD	W. Brennan-F. Bainter-B. Joyce	99
	7/17	BOOTH OF FAGO PAGO (UA)	RD	V. McLaglen-F. Farmer-Jon Hall	100
	8/14	SON OF ROARING DAN (U)	W	J. M. Brown-P. Knight-B. Baker	60
	9/4	LADIES MUST LIVE (WB)	C	W. Morris-R. Lane	58
7/26/40	8/7	BLONDIE HAS SERVANT (Col)	C	P. Singleton-A. Lake	66
	8/21	BOYS OF THE CITY (Mono)	M	East Side Kids	63
	7/31	GOLD RUSH MAISIE (M-G)	C	A. Sothern-L. Bowman-V. Welder	82
	6/26	UNTAMED (Par)	RD	R. Milland-P. Morison-A. Tamiroff	82
	8/21	STAGE TO CHINO (RKO)	W	G. O'Brien-V. Vale	61
	7/17	MILLIONAIRE IN PRISON (RKO)	M	L. Tracy-L. Hayes-V. Vale	51
	7/17	YOU'RE NOT SO TOUGH (U)	M	Dead End Kids—N. Grey	71
8/2/40	8/7	LADY IN QUESTION (Col)	C	B. Aherne-B. Hayworth-G. Ford	78
	7/10	PRISON REJUDICE (M-G)	RD	G. Garson-L. Oliver-M. Boland	117
	8/28	GOLDEN GLOVES (Par)	C	R. Denning-J. Cagney-R. Falce	69
	8/7	THE SEA RAIDER (Par)	D	H. Wilcoxon-C. Landis-O. Stevens	76
	7/17	QUEEN OF DESTINY (RKO)	RD	A. Neagle-A. Walbrook	60
	7/17	THE MAN I MARRIED (20th)	RD	J. Bennett-F. Lederer	76
	7/24	RANGER AND THE LADY (Rep)	W	R. Rogers-G. Hayes-J. Wells	60
	8/14	SOUTH TO KARANGA (U)	RD	C. Bickford-J. Craig-L. Dettl	59
8/9/40	8/7	THE SECRET SEVEN (Col)	C	B. Bennett-F. Bright	62
	8/14	I LOVE YOU AGAIN (M-G)	CD	W. Powell-M. Loy-F. McHugh	67
	8/7	DOOMED (Mono)	CD	R. Karloff-L. Powell-P. Barry	69
	8/21	CHAMBER OF HORRORS (Mono)	M	L. Banks-L. Palmer-G. Mayo	60
	8/21	ONE CROWDED NIGHT (RKO)	M	B. Seward-D. Costello-W. Haade	67
	7/10	GIRL FROM AVENUE A (20th)	RD	J. Withers-K. Taylor-K. Aldridge	71
	8/7	SURELY MEMPHIS (RKO)	RD	J. McGuire-L. Roberts	84
	7/17	CAPTAIN CAPTION (UA)	W	V. Mature-P. Cugat	74
	8/7	BOYS FROM SYRACUSE (U)	MU	A. Jones-M. Raye-J. Penner	72
	8/7	SING, DANCE, PLENTY HOT (Rep)	MU	R. Terry-J. Downs-B. Allen	72
	8/28	RIVER'S END (WB)	M	D. Morgan-E. Earl-V. Jory	69
8/16/40	8/28	THE DURANGO KID (Col)	W	C. Starnett-L. Walters	64
	8/21	GOLDEN FLEEING (M-G)	CD	L. Ayres-R. Johnson-V. Grey	61
	8/21	LAUGHING AT DANGER (Mono)	M	F. Darro-J. Hodges-G. Huston	61
	8/14	COMIN' ROUND THE BURNING (Par)	C	B. Burns-U. S. Davis	61
	7/4	STRANGER ON THIRD FLOOR (RKO)	D	F. Lorre-J. McGuire-M. Tallichet	67
	7/24	RAMPARTS WE WATCH (RKO)	D	March of Time production	85
	8/14	RETURN OF FRANK JAMES (20th)	D	H. Fonda-A. Leeds-J. Cooper	92
	8/28	FOREIGN CORRESPONDENT (UA)	RD	J. McCrea-L. Day-H. Marshall	119
	6/12	ALL THIS, HEAVEN TOO (WB)	D	B. Davis-C. Boyer-B. O'Neill	146
8/23/40	8/14	HE STAYED FOR BREAKFAST (Col)	CD	M. Douglas-L. Young-U. O'Connor	80
	8/14	MISSING PEOPLE (Mono)	D	W. Fyfe-L. Harding-K. Walsh	70
	8/14	ARIZONA FRONTIER (Mono)	W	T. Ritter-S. Andrews-E. Finley	70
	8/21	RANGE BUSTERS (Mono)	W	R. Corrigan-J. King-W. Waver	69
	7/24	THE GREAT MCGINTY (Par)	C	B. Donlevy-M. Angelus-A. Tamiroff	91
	8/21	LUCKY PARTNERS (RKO)	C	G. Rogers-R. Colman-F. Wray	98
	8/14	PIER 13 (20th)	D	L. Bart-L. Nolan-J. Valerie	67
	7/24	THE SEA HAWK (WB)	D	E. Flynn-B. Marshall-C. Rains	127
8/30/40	9/18	PEPPERS IN TROUBLE (Col)	C	E. Fellows-D. Peterson-R. Sinclair	63
	8/7	QUEEN OF THE YUKON (Mono)	D	C. Bickford-L. Rich	62
	8/7	BOOM BOOM (M-G)	C	C. Cable-S. Taylor-C. Colbert	117
	7/17	YOUNG PEOPLE (20th)	CD	S. Temple-J. Denny-G. Greenwood	62
	8/21	RHYTHM ON THE RIVER (Par)	C	R. Crosby-M. Martin-B. Rathbone	62
	8/28	DANCE GIRL, DANCE (RKO)	D	M. O'Hara-L. Hayward-L. Ball	88
	8/7	THEY DRIVE BY NIGHT (WB)	M	G. Raff-A. Sheridan-H. Bogart	93
	8/28	OKLAHOMA RENAISSANCE (Rep)	W	E. Livingston-J. Hatton-D. Renaldi	60
	8/28	KIT CARSON (UA)	W	L. Bart-J. Hall	95
9/6/40	8/7	LIFE WITH HENRY (Par)	C	J. Cooper-L. Ernst-E. Bracken	59
	8/7	CHAM-2 VAX MURDER (20th)	C	S. Toler-S. J. Valerie	59
	8/7	FUGITIVE FROM PRISON CAMP (Col)	M	J. Holt-M. March	58
	9/4	DR. KILDADE GOES HOME (M-G)	RD	L. Ayres-L. Barrymore-L. Day	78
	9/4	UP IN AIR (Mono)	M	F. Darro-M. Moreland	61
	9/4	WHO IS GUILTY? (Mono)	M	B. Lyons-B. Blair	62
	8/21	ARGENTINE NIGHTS (U)	D	M. Dix-B. Andrews Sisters	72
	8/21	RIDE, TENDERFOOT, RIDE (Rep)	W	G. Aubrey-S. Burnette-J. Storey	66
	8/28	MEN AGAINST THE SKY (RKO)	RD	R. Dix-K. Taylor-W. Barrie	73
	8/28	CALLING ALL HUSBANDS (WB)	C	G. Tobias-L. Fairbanks-E. Truex	61
9/13/40	9/4	HOWARDS OF VIRGINIA (Col)	D	C. Grant-M. Scott	115
	9/11	WYOMING (M-G)	D	W. Beery-L. Carillo-A. Rutherford	84
	9/11	THE APE (Mono)	M	Boris Karloff	60
	9/11	I WANT A DIVORCE (Par)	D	J. Blondell-D. Powell-G. Dickson	91
	9/11	GIRL FROM HAVANA (Rep)	RD	D. O'Keefe-L. P. J. Jory	69
	9/18	DREAMING OUT LOUD (RKO)	C	Lum and Abner-F. Langford	80
	8/28	PUBLIC DEB No. 1 (20th)	C	G. Murphy-B. Joyce-E. Maxwell	71
	9/11	HIRED WIFE (U)	CD	R. Russell-B. Aherne-R. Benchley	95
	9/11	NO TIME FOR COMEDY (WB)	CD	J. Stewart-R. Russell-C. Ruggles	98
9/20/40	9/18	WIZARD OF DEATH (Col)	MU	B. Karloff-E. Keyes	115
	9/18	STRIKE UP THE BAND (M-G)	MU	M. Rooney-J. Garland-J. Freisser	115
	9/18	THAT GANG OF MINE (Mono)	D	B. Jordan-L. Gorey	69
	9/18	THIEF OF BAGDAD (UA)	W	E. Yeldt-Sab-J. Duprez	79
	9/4	TRIPLE JUSTICE (RKO)	W	G. O'Brien-V. Vale	60
	9/4	COLORADO (Rep)	W	R. Rogers-G. Hayes-P. Moore	57
	9/4	YESTERDAY'S HEROES (20th)	CD	R. Sterling-J. Rogers-R. Gleason	60
	9/4	MUMMY'S HAND (U)	D	D. Foran-P. Moran-W. Ford	65
	9/4	RACETIME COWBOY JOE (U)	W	J. M. Brown-N. O'Day-P. Knight	60
	9/11	THE WESTERNER (UA)	W	G. Cooper-W. Brennan-D. Davenport	60
	9/11	CITY FOR CONQUEST (WB)	D	J. Cagney-A. Sheridan-F. Craven	105
9/27/40	9/18	ANGELS OVER BROADWAY (Col)	D	D. Fairbanks, Jr.-K. Hayworth	79
	8/7	HAUNTED HONEYMOON (M-G)	D	R. Montgomery-C. Cummings	99
	9/11	SEX AND SWEETNESS (M-G)	D	H. Johnson-W. Fildes	79
	9/11	RANGERS OF FORTUNE (RKO)	W	F. MacMurtry-M. Morison	79
	9/11	I'M STILL ALIVE (RKO)	RD	K. Taylor-L. Hayes-R. Morgan	79
	8/28	KNOW WHAT THEY WANTED (RKO)	RD	C. Laughton-C. Lombard-W. Gargan	112
	8/28	BRIGHAM YOUNG (20th)	RD	T. Power-L. Darnell-D. Jagger	112
	8/28	SPRING RAIN (20th)	MU	D. Durbin-B. Cummings-M. Auer	79
	8/28	EAST OF THE RIVER (WB)	W	J. Garfield-B. Marshall-M. Rambeau	79
	8/28	DRUMS OF THE DESERT (Mono)	M	L. Gray-R. Byrd	57
	9/18	UNDER TEXAS SKIES (Rep)	W	A. Mesquiteres-L. Ransom	57
10/4/40	9/18	SO YOU WON'T TALK (Col)	C	J. E. Brown-F. Robinson	60
	9/18	DULCY (M-G)	C	A. Sothern-I. Hunter-B. Burke	60
	9/18	THE SWIMMING HOLE (Mono)	C	M. Jones-J. Moran	60
	7/24	QUARTERBACK (RKO)	CD	W. Morris-V. Dale-A. Mowbray	66
	7/24	VILLAIN STILL PURSUED HER (RKO)	C	A. Louise-R. Cromwell-H. Herbert	66
	7/24	WAGON TRAIN (RKO)	W	T. Holt-M. O'Driscoll-R. Whitley	60
	7/24	GAY CABALERO (20th)	W	C. Romero-S. Ryan	60
	7/24	DIAMOND FRONTIER (U)	W	V. McLaglen	60
	7/24	KNUTE ROCKNE—ALL AMERICAN (WB)	D	P. O'Brien-G. Page-R. Reagan	60
10/11/40	9/18	THIRD FINGER, LEFT HAND (M-G)	CD	M. Loy-M. Douglas	60
	9/18	YOU'RE OUT OF LUCK (Mono)	C	F. Darro	60
	9/18	MOON OVER BURMA (Par)	D	D. Lamour-P. Foster-D. Nolan	60
	9/18	MELODY AND MOONLIGHT (Rep)	D	J. Downs-J. Frazer-V. Vague	60
	9/18	FRONTIER VENGEANCE (Rep)	W	R. Barry-M. J. Jory	60
	9/18	TOO MANY GIRLS (RKO)	MU	L. Ball-R. Carlson-A. Miller	60
	8/21	GREAT PROFILE (20th)	CD	J. Barrymore-M. B. Hughes	79
	8/21	LITTLE BIT OF HEAVEN (U)	D	G. Jean-H. Herbert-N. Grey	60
10/18/40	9/18	NOBODY'S CHILDREN (Col)	D	E. Fellows-L. Wilson-B. Lee	60
	9/18	ESCAPE (M-G)	D	N. Shearer-E. Taylor-Nazimova	60
	9/18	CRISTINA IN JULY (Par)	CD	D. N. Drew	60
	9/18	NIGHT OF R. HAIN (20th)	M	M. Lockard-R. Harrison	60
	9/18	LADDIE (RKO)	D	T. Tolt-S. Byington-V. Gilmore	69
	9/18	SLIGHTLY TEMPTED (U)	C	H. Herbert-P. Moran-J. Downs	60

Film Reviews

Continued from page 14

Thundering Frontier

Columbia's "Thundering Frontier"—a tepid old-time western with only mild interest. Probably 15 of the picture's 55 minutes is taken up by hillbilly songs, which are good enough as such, but have nothing to do with the story, and since they're sung as the cowboys just loiter around camp, merely impeding the action.

Maybe it's no coincidence that the hero's henchmen apparently spend their spare time sitting around petting puppies and befriending various domestic animals, while they harmonize. Certainly the villain's cut-throat mob doesn't waste its time on such softy pursuits. No, a bit of it. They're so busy hijacking the honest contractor's payroll, dynamiting supply trains and shooting up the righteous citizenry, they hardly have a chance to do any guzzling in the town's ginmill.

That's the tipoff on the picture. The heroes are a bunch of Boy Scouts and the villains are hoodlums, tobacco-chewing varmints out for no good. Since they supply the action, they're the interesting lot, so when the camera pauses for a bit of cowboy vocalizing, the yarn comes to a dead stop. It's not helped, either, by Charles Starrett, the stalwart hero, who never really slugs any of the desperadoes, but moons at the contractor's pretty daughter, is howled at by a pack of vicious dogs, and winked by his dastardly brother, and mouths his lines as if he had a brown taste.

Iris Meredith is pretty enough as the heroine, Ralph S. Sweet is a glowering villain, and Alex Callam gives the action a helpful nudge with his deft performance as the behind-the-scenes originator of all the dirty work. Photography messes plenty of chances for vivid scenic effects and, in the dynamiting of the wagon train, repeats the same shot over and over. Maybe that's the cameraman's fault. Anyway, neither of em rates a medal. As any western fan knows, good hoss operas are surefire entertainment, but dull ones are merely dull.

UNDER TEXAS SKIES

Republic release of Harry Grey production. Directed by George Sherman. Features Robert Livingston, Bob Steele, Rufe Davis, and the cast of "The Three Mesquiteres." Based on characters created by William Colt MacDonald, camera man, and editor, Tony Marinelli. Music, Cy Feuer. Released in Projection Room, N. Y., Sept. 12, 40. Running time, 70 mins.

"Stony Brooke".....Robert Livingston
"Lullaby".....Rufe Davis
"Lullaby".....Rufe Davis
"Lullaby".....Rufe Davis
"Lullaby".....Rufe Davis
"Lullaby".....Rufe Davis
"Lullaby".....Rufe Davis
"Lullaby".....Rufe Davis
"Lullaby".....Rufe Davis
"Lullaby".....Rufe Davis

Of the original trio who constituted the "Three Mesquiteres" in the Republic series of westerns featuring the three characters, only Robert Livingston currently remains. Replacing, with this film, are Rufe Davis and Bob Steele. Under Texas Skies is an underhanded tale of direction, and consequently not up to the standard of the series. It's for the secondary rung on the duals.

Major factor in the loosely knit yarn is the role of a henchman, a son returning home after a long absence to find his sheriff-father dead at the hands of an assassin. Livingston, as usual, plays "Stony Brooke," the sheriff, and a complex of complications concern his hunt for rustlers led by the new sheriff following a corrected misunderstanding—framed by a friend. Bob Steele, who, the new sheriff (Henry Brandon) made it appear, was responsible for the shooting of Livingston's father. Davis supplies a few laughs with his typical rube manner. Livingston and Steele do as well as can be expected under the limited circumstances, while Lois Ransom, rated a singing-dancing corner, though she does nothing to help the film, is a do. Even the camera fails to show her off to fullest advantage.

AFTER MEIN KAMPF?

Crystal Pictures release of Associated Film production. At Bryant, N. Y., Sept. 13, 40. Running time, 70 mins.

Fault commonly attributed to Nazi propaganda is its clumsy bludgeoning which makes no allowances for critical analysis or astuteness of its audiences, defeats its own purpose by repelling those it would persuade. That same weakness makes "After Mein Kampf" a flimsy propit piece, even though much that it says is already endorsed by those it would convince. Picture is ponderous, blatant and transparently biased, thereby losing any claim to authenticity or integrity.

Produced some time ago in France by Jacques Haik under the title of "Mein Kampf—Mes Crimes," the film was slightly revised by Associated British and retitled "Mein Kampf—My Crimes." Since then Melvyn Hirsch (Crystal Pictures) has taken the U. S. distribution and again renamed it "After Mein Kampf." According to the blurbs displayed out-

side the Bryant, N. Y., some of the footage in the picture was smuggled out of Germany. Although it isn't indicated which was the bootlegged portions, there's nothing shown on the screen that would seem worth the risk of anyone's life or freedom to smuggle past the Nazis. It's all obvious and mediocre.

Majority of the footage are library newsreel clips, with re-enacted scenes of purported history and animated cartoons supplying the rest. Confused and strident sound-track commentary runs through the film. Misfortune of such a picture is that there's so much to be said on this subject, so much that a skillful film could say so eloquently. But a document as stupid as "After Mein Kampf" might lead one to believe that's all there is to be said against Hitlerism. Even so, the subject of the picture is so all-compelling at the moment that the first few days' showing in New York drew almost continuous capacity-plus attendance. If a film such as this can do that kind of business, a good one would pack Madison Square Garden. Hobe.

Pretty or Plain, They All Get Married

(Belle O. Bratte Si Sposen Tutte)

Superior film release of Atlas Film production. Features: Belle O. Bratte, Maria Menatti, G. Porelli, Laura Nucci, Directed by G. Porelli. Released in Projection Room, N. Y., Sept. 6, 40. Running time, 70 mins.

Belle O. Bratte.....Maria Menatti
G. Porelli.....G. Porelli
Laura Nucci.....Laura Nucci
G. Porelli.....G. Porelli
G. Porelli.....G. Porelli
G. Porelli.....G. Porelli
G. Porelli.....G. Porelli
G. Porelli.....G. Porelli
G. Porelli.....G. Porelli
G. Porelli.....G. Porelli

(No Italian, No English Titles)

Possibly the most imposing feature, used to open the 1940-41 season at the Cine Roma, Italian picture house on Broadway, Sept. 7, may pleasantly astonish Italian residents who prefer their former native tongue on the screen to American-made pictures. It is packed with movement and situations, and judged by the reaction among those who believe Italian is studied with witty dialog and humor. It's topflight fare for those catering to strictly Italian patronage, but it ends there.

There is typical farcical affair concerning the nephew of a rich Italian businessman who's led his uncle to believe he's received a doctor's degree and is practicing medicine. Instead, he and his friend, Jojo, posing as his tutor, have been using the uncle's coin on wine, women, song and gambling. Most laughs are generated when the uncle arrives on the scene, suspects hi-jinks and forces his nephew to enlist a medico though he doesn't even know how to use a stethoscope.

There are moments when the plot borders on slapstick but generally it sticks to usual fare situations. Film underlines a grand parade of Italian studio sets, several trick shots and other angles indicating that Rome's studios gradually are grabbing off American technique. Several scenes are reminiscent of the Yank methods, including an otherwise unnecessary bathtub scene.

Giuseppe Porelli, as the scheming nephew, steals the laurels from Umberto Menatti, cast as Jojo, though obvious as a grand parade of Italian studio sets, several trick shots and other angles indicating that Rome's studios gradually are grabbing off American technique. Several scenes are reminiscent of the Yank methods, including an otherwise unnecessary bathtub scene.

Best possibility, as far as American films are concerned, appears to be Laura Nucci, as the college widow who spent most of her time in the "student's" apartment. She shows real flare for combining her beauty with acting, and her overcomer in the gashawful makeup. Wear.

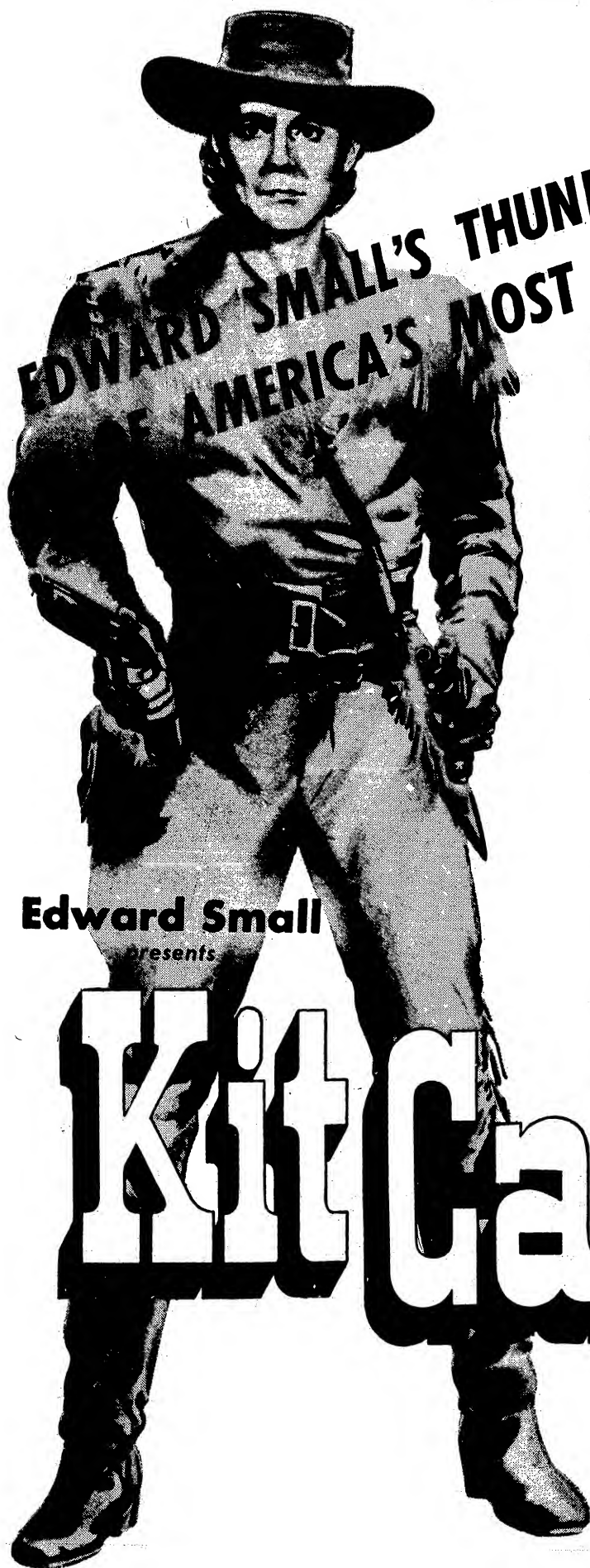
'Inside S. A.'

Continued from page 3

his expenses. Stories will coincide with start by the Digest of a reprint edition in Spanish. In addition, Gunther has an agreement with the North American Newspaper Alliance to cable up any spot news stories as they may arise.

Gunther had planned to start an "Inside U.S.A." upon his return from Europe last spring, but decided to postpone until after the S.A. tome for several reasons. First, he figured it would take about two years to do the research, by which time Latin America may be dead duck as news. Second, he felt that starting now would be unfeasible inasmuch as the presidential election may upset his calculations.

Writer left New York for Washington yesterday (Tuesday). He'll fly from there about Saturday for Mexico.



Edward Small
presents

Kit Carson

**EDWARD SMALL'S THUNDERING SPECTACLE
OF AMERICA'S MOST FABULOUS DAYS!**

SAN DIEGO...

All-day standees waiting in front of CALIFORNIA THEATRE for solid block bring first day gross to sock figure. Fourth day \$300. better than opening!

DENVER...

6 THEATRES with 12,600 seats played the world premiere performance! DENVER THEATRE broke all house records for first week. Move-over to ALADDIN skyrocketed to 400% of average. Engagement continues in move-over to RIALTO!

RICHMOND...

Opening day beats "My Son, My Son!" at LOEW'S. Second day 50% over opening and picture still building!

SEATTLE...

ORPHEUM. No United Artists picture in past year has touched its gross! Opening day 180% of average. Second day \$250. bigger than opening. Third day \$400. bigger than opening. Fourth day \$1,105. bigger than opening! Unprecedented business brings move-over to the MUSIC BOX to continue spectacular run!

WORCESTER...

Business at POLI strong. Move-over to ELM STREET for 2nd week!

SPRINGFIELD, ILL....

Blows the top off LINCOLN THEATRE with an opening 205% of average. Full page publicity in Springfield newspapers helped it reach this sensational figure!

PORTLAND, ORE....

Opening day at the BROADWAY betters smash box-office take of "Iron Mask" by 35%!

SPRINGFIELD, MASS....

Opens vigorously with receipts building day by day at PALACE!

SPOKANE...

ORPHEUM. Opening week-end 178% of average. Beats every attraction in town by almost two to one!

JON HALL • LYNN BARI

**DANA ANDREWS • WARD BOND
HAROLD HUBER • C. HENRY GORDON**

Directed by **GEORGE B. SEITZ**

Original Screen play by **GEORGE BRUCE**

Based upon a story by Evelyn Wells

RELEASED THRU UNITED ARTISTS

Basil Bros. Add 12th House; Other Theatre and Exchange News Items

Buffalo, Sept. 17.
Capitol, 1,000-seat Niagara Falls nabe, owned and operated for many years by Marvin Atlas, taken over by Basil Bros., making 12th house in their chain. Harry Pierson, who managed the Genesee and LaSalle for Basil, appointed manager.

Walter Lefler, of Shea publicity staff, becomes assistant manager Shea's Bellevue, Niagara Falls, under Harris Lumberg.

Lou Blumenthal, former 20th-Fox Buffalo office manager and booker, is RKO office manager at Cleveland.

Masque reported purchased by Basil Bros.

Tom Rowe appointed manager of E. Mayer's Community, Solway.

James Kelly, former manager Hayman's Cataract, Niagara Falls, now managing the Basil's LaSalle.

Leo Dowling, of the Lyric, Syracuse, recovering from a serious automobile accident.

Avon, Addison, formerly owned by Florence Chism, now being operated by Thelma Newman.

Liberty, new 1,000-seat east side nabe, will be ready for opening Thanksgiving, according to Basil Bros., operators of the house.

McRae Into Service

Vancouver, B. C., Sept. 17.—Ken McRae, manager of the Kerrisdale, Vancouver, has left for England, as a lieutenant in the Canadian Navy on loan to the Royal Navy. Famous Players and Vancouver theatre men gathered at the home of Frank Gow, of F.P., and presented McRae with a traveling bag.

Empress, Vancouver, has been demolished. First curtain went up 32 years ago on Dorothy Vernon of Haddon Hall.

Mansfield's Promotion

Following the announcement of promotions at Universal made by W. A. Scully, it was further disclosed today that Harry I. Mansfield, salesman at Memphis, is being upped to the position of manager, filling the vacancy created by the transfer of branch manager J. A. Frichard to Charlotte.

In New York, J. R. Felder, veteran big city exchange man, steps into

the post of assistant manager left open by the promotion of Max Cohen to the managership of the Washington exchange.

Cole Reopens House

New Braunfels, Texas, Sept. 17.—G. A. Cole has opened his newly remodeled Cole theatre here, formerly known as the Rex, and operated by Jack Pickens.

Pickens also operates the Rialto.

Mulkey's 30 Years

Clarendon, Texas, Sept. 17.—Homer Mulkey, owner of the Cozy and Pastime here, believed to be the oldest film showman in the state by reason of service. Last month he rounded out 29 years and celebrated his 30th anniversary by being host to a barbecue to all of his bookers.

Mulkey's first house was established back in 1910 here, and since then he has kept pace with the industry. He is a director of the Allied Theatre Owners of Texas.

Bob Wells' Own House

Sumner, Ia., Sept. 17.—Bob Wells, teen-age son of Gilley Wells, Warner film salesman in the Des Moines exchange, has taken over the Opera House, motion picture theatre here. The house has been operated by Hazel Cass since the death of her father, J. F. Cass, several months ago.

Oct. 1 has been set by Julius Geertz as the opening date of the Zenith, Davenport, after remodeling and air-conditioning.

The Empress, Danbury, Ia., which has opened and closed here periodically for the last 10 years, opened again. Kenneth Stinson trying to make it show a profit this time.

Ted Allen has his Garden theatre, Guthrie Center, Ia., which was damaged by fire two months ago, operating weekends now. Remodeling, new equipment, including new wood interior, a new canopy and a new front, is nearing completion. Allen expects to reopen the house for regular daily business Sept. 22.

Goldstone to Toronto

Calgary, Alta., Sept. 17.—Mervyn Goldstone, United Artists, Calgary, moved to head office, Toronto.

H. Duncan, Calgary, handling prairie distribution for Grand National in Calgary, replacing Al

Iscoe, who has joined United Artists.

Crecent, Calgary suburban house, now controlled by Crecent Brewerton, of the Brewerton Bros. circuit.

Ketchum Succeeds Brown

Glens Falls, N. Y., Sept. 17.—Paul Ketchum has assumed duties as manager of the Paramount, succeeding George E. Brown, who resigned to accept a position as advertising manager of a circuit with headquarters in Denver. Ketchum, who has managed the Geneva Falls Strand, a unit of the Schine Circuit for the past year, previously worked in Rochester and Hamilton theatres of the Schine organization.

N. C. Theatre Changes

Charlotte, N. C., Sept. 17.—Several changes are being made on staff at the Paramount, succeeding all members of the North Carolina Theatres, Inc., chain, according to Paul V. Phillips, city manager.

Jack Jordan, of the Capitol, goes to Columbia to be assistant city manager Sam Suggs of the four Palmetto theatres there. A new theatre is being built at Columbia that will give the chain five houses in the state.

Harris Luther, of the staff of Salisbury's State, takes Jordan's place at the Cap. Wilbur Turner also goes to the cap staff from the State. Everett Jacob goes from his Metrol to the State, to fill one of the vacancies there. Francis Luther goes from the Capitol to the Victory.

Mex. Cinema's Facelift

Mexico City, Sept. 17.—Mexico's only directly American-operated cinema, the Cine Olimpia here, which has been running continuously for 20 years, is to close Oct. 1 for modernization and rejuvenation along conservative lines, announces Edmund B. Noonan, the sole American exhibitor for Mexico, manager of the house. He's the brother of Sally O'Neill and brother-in-law of Jack Durant, the comic. Theatre reopens early in January.

The Olimpia was built at a cost of \$500,000 in 1920 by William E. Jennings, the Californian who made a fortune out of copper mining in this land. Caruso gave a performance at the Olimpia, making it the first Mexican theatre. The plaque commemorating that event is to be retained. The improvements comprise streamlining the architecture, but not jacking it, ripping out the old interior and putting in 2,800 comfortable seats, W. E. sound, Century projectors and a better screen.

Patterson Vice Tucker

Amariillo, Texas, Sept. 17.—Fred Patterson promoted to city manager here for all Interstate and Texas Consulate theatres, succeeding George Tucker, transferred to Albuquerque as city manager there.

Dr. Mountague Expanding

Edinburg, Texas, Sept. 17.—Dr. J. L. Mountague has purchased the Juarez here and is constructing another new house seating 850. Elmer R. Seffel, manager for holdings of Mountague, has resigned.

Mansfield's Spot

Boston, Sept. 17.—Joe Mansfield, formerly chief of service at the Keith Memorial, now assistant to Jack Granara in RKO press office here. He succeeds Joe Ehrlich, now advance man for Imperial Pictures in New England.

U. S. Tax Grab

Continued from page 4
1938, \$20,800,739; 1937, \$19,740,191; 1936, \$17,112,175.

Canada Bids Up, Too

Regina, Sask., Sept. 17.—War apparently had little effect on the theatre-going public of Canada last year, according to the Dominion Bureau of Statistics, Ottawa, which reported recently that receipts were the highest since 1931. Better weather conditions in the prairie provinces helped swell the revenue.

Theatre patrons paid a total of \$34,010,115 for general admission, exclusive of amusement taxes, highest since 1931 and up by 1.1 per cent. The \$33,635,052 in 1938, the number of admissions at 138,497,043 was 8.4 per cent higher than the preceding year.

There were 1,188 picture theatres in Canada in 1939 and these presented a total of 676,773 programs. Figures indicate popularity for the double-feature program has increased in recent years in the east and declined in the west.

In addition to the regular picture houses there were 107 itinerant exhibitors in Canada last year and these had 893,821 admissions and \$210,105 receipts, compared with 631,596 admissions and \$134,146 receipts reported by the 64 exhibitors in 1939. Approximately 60 per cent of the total business of itinerant operators is confined to the three Prairie Provinces.

British Columbia continued to occupy first place in per capita expenditures on motion picture entertainment with an average of \$4.83.

AFL Seeks Radio Control

Continued from page 7

out of the picture, members might be more inclined to look with favor on an AFL tieup. Some members believe that with AFL backing, editors would be able to secure a much higher minimum wage than the current \$100 per week.

Watchmen, police, firemen, etc. are other groups to be organized. Blair has been pledged the support of every group now in the AFL. With the exception of the Screen Actors Guild, every AFL studio craft representative to a meeting with pledges to support Blair in his new job as Hollywood organizer for the AFL.

Blair in accepting the appointment said 'Our drive will not stop until we see included in the main title of every picture made in Hollywood the credit "Made 100% by AFL workers"'. In outlining the campaign, Blair said:

'The ideal conditions which exist in this industry thus far are due to the efforts and the sweat of the AFL. During the struggles of the Federation to achieve what it has already done in Hollywood, various independent organizations have sprung up.

These independent organizations have used all the laws, all the benefits which the workers of the AFL have established. They have accepted the charity of AFL to their own advantage. Now, there is no reason why these independent groups and others cannot pay the small dues of the AFL to carry on the campaign to obtain and maintain these advantages.

Seek Only Peace and Harmony

'We do not intend to bring struggle and strife into the industry; we only want peace and harmony. If unfortunately, we get into a struggle, we are sorry.'

Frank Carothers, secretary of the Motion Picture International's Committee on the Basic Studio Labor Agreement, promised 100% support to Blair and his AFL drive. In addition, Carothers disclosed that efforts are now being made to have producers place their skilled workers on an annual guaranteed wage. He said that unless this was done the producers might find all of their skilled workers leaving the industry to seek employment with other industries in the national defense program. He said there is already a shortage in certain crafts, particularly plasterers, and that many machinists and others are now going into other industries where the employment is more steady.

Following protests from 'old time' extras that an effort is being made to force them out of the industry they helped to build, Howard R. Philbrick, general manager of Central Casting Co. has promised the Screen Actors Guild that every consideration will be given to the 'old timers' in distribution of jobs at Central. In reply to an inquiry from Kenneth Thomson, SAG executive secretary, regarding his policy on 'old timers', Philbrick sent the following communication to the Guilders:

'I am very grateful for your letter of Sept. 8, which gives me an opportunity to deny most emphatically that Central Casting Co. has or ever will discriminate against "old timers" as long as I have anything to do with the organization. Everyone who has the interest of Hollywood at heart knows full well the contributions to the industry these older people have made.

Aid for 'Old Timers'

'Our organization has co-operated with members of the Screen Actors Guild in the higher age bracket in every way possible. Central Casting has employed from time to time explained the situation by pointing out that the demand for those in the higher age bracket is not as great as in the other age ranges. To illustrate: During the first five months of 1940 Central Casting received 13 calls for men over the age of 50, involving 42 placements, in comparison with a total of 248 calls, involving 1,580 placements of miscellaneous ages.'

Following an announcement by International Photographers Local 659 of the International Alliance of Theatrical Stage Employees that it was taking over the first cameramen, producers announced that the five-year agreement with the American Society of Cinematographers would be lived up to in every detail. The ASC also issued a statement denying the organization would be dissolved. Herbert Aller, business representative of Local 659, had stated that 30

first cameramen had joined the IATSE and that a special relation fee had been fixed for those desiring to affiliate within a reasonable time. He intimated the ASC would be re-issued a separate IATSE charter and that all cameramen eventually would be merged into Local 659.

Want Freeman Reinstated

Local 659 is demanding the reinstatement of Mervyn Freeman, lead Hollywood cameraman for Pathe Newsreel. The union claims that Freeman was discharged without justification, and is refusing to issue a working permit for any lenser assigned to take over his work.

Deal is expected to be approved this week under which Metro will recognize the Screen Cartoonists Guild as collective bargaining representative for employees of the Metro cartoon department. Film editors, cameramen and clerical employees are not included in the bargaining unit.

An effort will be made this week to iron out differences between producers and the American Federation of Office Employees on a contract covering wages and conditions for employees of Central Casting Corp. The AFOE turned thumbs down on a pact drafted by the producers, claiming it did not conform with verbal agreements reached at a conference with E. J. Mannix, Metro general manager, Pat Casey and Fred Pelton.

Bob Davis Omits SAG

Following an all-night session of the Screen Actors Guild Council which was devoted largely to personal clashes between members, Bob 'Alabama' Davis resigned as a member and chairman of the Council. After insisting that his resignation was final, Davis said:

'I said if the members dealt in personalities I would not stay there. They evidently didn't believe me. I have stated repeatedly that I had no axes to grind, that I had no beef with Central Casting Corp., that I did not have to depend upon Central for jobs, and my only interest in accepting the chairmanship was to aid in bettering conditions for the membership.'

NEGRO EXHIB'S 115G TRUST FUND VOIDED

St. Louis, Sept. 17.

The Missouri State Supreme Court last week held that the late Charles H. Turpin, Negro theatre owner and constable, was unduly influenced in establishing a trust fund of \$115,000 and ordered it set aside. The court upheld a charge that Turpin's sister and her daughter were instrumental in having Turpin exclude his son, H. Udell Turpin, now residing in Chicago, from participation in the estate. Young Turpin received only \$1 from the estate.

The trust made up of 700 shares of American Telephone & Telegraph Co. stock, currently quoted at \$165 per share, provided the income after Turpin's death was to go to his sister, and on her death, to a scholarship fund established by Turpin. The administrator of the estate will notify young Turpin of the decision.

Par Sues for Return Of \$69,600 U. S. Taxes

Paramount Pictures, Inc., acting for four subsidiary companies filed suit Monday (16) in N. Y. federal court against the U. S. government, seeking the return of \$69,600 paid in 1934 as capital stock taxes imposed under section 761-02 of the Revenue Act of 1934. Paramount claims that the act under which the taxes were paid, is invalid, unconstitutional and violates the Fifth Amendment to the constitution.

For the year ending June 30, 1934, Paramount International Corp., had a declared value on its capital stock of \$24,000,000 and paid a tax of \$24,000. With a 1934 Paragor Corp., paid \$22,000. Paragor Corp., \$1,600, and Paramount Productions, Inc., paid \$12,000.

STEN SUIT SHIFTED

Los Angeles, Sept. 17.—Anna Sten's breach-of-contract suit against Republic was shifted from Superior to U. S. district court. Actress charges the studio with pulling out of an oral agreement to pay her \$1,500 a week for the weeks as femme lead in the picture, 'Doctors Don't Tell.'

New York Theatres

THERE'S A BETTER SHOW AT THE

ROKRO THEATRE

GONE WITH THE WIND
G.W.T.W. will not be shown except at reduced prices, at least until Oct. 1. For Reservations Call GI 6-4442.
ASTOR
ALL SEATS RESERVED
Twice Daily 2:15, 8:15 p.m.

Capitol
Held Over 3rd wk.
New York in a House Town
Clark Gable • Spencer Tracy
Claudette Colbert • Hedy Lamarr
"BOOM TOWN"
A Metro-Goldwyn-Mayer Picture
In Person Dr. J. & Ev. Mon. Nite

State
Last Times Wed.
"SOUTH OF FAGO FAGO"
In Person
L. Danahoe
Emile Meyer
Mary Kaye-Night

PARAMOUNT
"RANGERS OF FORTUNE"
A Paramount Picture
In Person
JAY RAYITT
ANDREWS
SISTER
JERRY
LESTER
Midnite Screen Shows

THIRD WEEK!
JAMES STEWART ROSALIND RUSSELL
In
No Time for Comedy
A NEW WARNER BROS. HIT
In Person
LARRY CLINTON • His
PERSON
OFFENS 9 A.M. STRAND Broadway & 47th St.

RADIO CITY MUSIC HALL
"THE RAMPARTS WE WATCH"
Spectacular Stage Productions.

HELD OVER 4th WEEK
Alfred Hitchcock's Production of
"Foreign Correspondent"
UNITED RIVOLI Broadway at 46th St.
Start Open 3:30 A.M. MIDNITE SHOWS

JUST ANOTHER RIDE
Hollywood, Sept. 17.—Tim Holt's next gallop at RKO is 'West of the Big Horn', starting this week with Bert Gilroy producing and Edward Kelly as pilot. It is the third of Holt's series of six westerns for the 1940-41 program.

Strike up the Band



THE NEXT BOOM

from the "Boom Town" Company!

1940-41 is M-G-M's BOOM Year!



Nov. Will Usher in ASCAP vs. Nets' War Of Nerves; Society Signs 120 Stations

Observers on the sidelines predict that the ASCAP-broadcaster tangle will enter its next stage, the war of nerves, around the middle of November. Network spokesmen say that there won't be any ASCAP music on their facilities Jan. 1 and ASCAP has reconciled itself to that possibility, but the sidelines figure that the two factions will nevertheless start stewing in November.

With the war under pressure from some of their heavy music-using clients and ASCAP getting inquiries from anxious members, one side will seek to keep these factors allayed as it waits for the other side to make an approach.

While ASCAP continues to declare that it has nothing to arbitrate, these sidelines are of the opinion that the conflict won't be settled this time without the services of an arbitrator. It is predicted that this arbitrator will be a highly influential figure in show business who is connected with both broadcasting and music interests.

ASCAP states that it has already signed some licensing agreements with 120 stations, but none of network affiliation. It claims that large numbers of broadcasters have been coming into New York for conferences to find out by the process of direct inquiry what it is that's wrong about the contract that ASCAP is offering them.

These station men state that since there has been such a row kicked up about the license they want to know for themselves what the trouble is and why it would be detrimental for them to accept the new agreement. Most of the inquirers, ASCAP states frankly, have expressed themselves as leery about signing just yet. Though they want to go on using ASCAP music, they don't want to be tagged disloyal to their industry.

Horton Heath Moves Up At RCA; Orrin Dunlap, Jr., Heads Information Dept.

Closing the gap in its exec ranks occasioned by Frank Mullen's assumption of general managerial duties at NBC, RCA has named Horton Heath as direct head of advertising and publicity. Heath's old job (manager of the department of information) will in turn be filled by Orrin E. Dunlap, Jr., radio editor of the New York Times for the past 18 years.

Heath has been with RCA since 1936 and during much of this time was Mullen's right-hand man. He previously was associate editor of The New Yorker magazine, and prior to that was connected with various advertising agencies.

Dunlap's 18 years with the Times made him one of the pioneer radio editors in the U. S. He previously had been with the Hanft-Metzger agency.

P. & G.'s 'Small Town' Starts Sept. 30 on NBC

This 'Small Town,' new five-a-week serial for Procter & Gamble, starts Sept. 30 over NBC red (WEAF) in the 10 a.m. spot. Product isn't revealed, but Compton is the agency. Show will originate in New York. Leston Huntley, of Chicago, is scripting it. Director and cast aren't set.

Gary Bub Heads Radio Dept. of Stewart-Jordan

Philadelphia, Sept. 17. Gary Bub has been named head of the radio department of the Stewart-Jordan agency.

Bub, son of H. J. Bub, prexy of the agency, formerly headed Associated Advertisers of Harrisburg, Pa.

McGillvra Gets WEW

St. Louis, Sept. 17. Joseph Hershey McGillvra Co. has been appointed national sales representative of WEW.

Set by general manager Nick Paglara, of the local station, which is the oldest west of the Mississippi.

PRaise PHILLY WFIL FOR FLOOD B'CASTS

Philadelphia, Sept. 17. The Quaker Network, setup by Roger W. Clipp, general manager of WFIL, is receiving kudos from New Jersey State police for its work in helping clear traffic in South Jersey during the recent disastrous floods which cost four lives and millions of dollars in damage.

The network's Jersey outlet, WSNJ, Bridgeton, was in the heart of the inundated area. Latest developments of the disaster were piped to WFIL and sent along the Quaker hookup, directing motorists to detour around the flood region. Broadcasts were also sent from WFIL through the Mutual coast-to-coast hookup.

Listerine Drops 'Grand Central' Package Setup

'Grand Central Station,' 30-minute dramatic series over CBS Friday nights for Listerine mouthwash has been cancelled effective with the Oct. 18 broadcast. Lambert & Feasley agency is retaining the show and is offering it on a package deal to other agencies. That is a novel wrinkle, as in most cases of sponsors dropping programs the agency tries to find a new account rather than turn the show over to another agency.

Listerine's reason for letting 'Grand Central Station' go is said to be a switch in merchandising policy. Account will concentrate on other media, particularly magazines. Its future radio plans, if any, are undetermined.

Lambert & Feasley is offering the series to other agencies with its production setup intact. Show has been on the air about three years, reaching a new high of triple its former listener rating during the last year. It was one of the first of its particular kind of program. Others along the same line in the last year or so have included 'Lincoln Highway' and 'Manhattan at Midnight.'

Buffalo.—Three Treys and Vera Holly, thrush, will join WBBN's staff late this month. Currently they're with WGR-WKBW, where they have CBS studios.

Unlikely Stations Will Go for Grove's Free 'Readers' as Spot Splurge Payoff

Linnea Nelson, time buyer for the J. Walter Thompson agency, journeyed to St. Louis last week to report to Grove's Laboratories on a survey she had conducted among station reps to determine whether their principals would be agreeable to putting on 'educational' transcription free of charge if they were also given a campaign of spot announcements. The 'educational' discs would credit Grove's as the source of the information, and that would be the only plug in the copy.

It is understood that most of the reps queried by Miss Nelson assured her that there was little chance of their stations going in any such device, even if the contents were, as she described, good program material. The mere inclusion of the Grove's tag, she was told, would make the program as much commercial as though the entire time were devoted to plugging Bromo Quinine.

McMillin Better

John McMillin, Compton agency radio head, returned to duty Monday (16) after a week's absence due to an arm injury.

His arm was bruised, and painful complications resulted.

Maestros on ASCAP

First to respond to Russ Morgan's invitation for an open discussion on the ASCAP situation and how their albums of arrangements and special orchestration might be affected by the radio-music issue is Leo Reisman, herewith.

VARIETY will continue to open its columns to the pros and cons of the broadcasters vs. ASCAP battle. Last week Morgan brought up the issue of what may happen to his own library of arrangements, which he, and those of other leaders, he figures, represent investments of from \$25,000 to \$50,000 per band over a period of years' accumulations.

THOMPSON SETS NEW SPOT BIZ

J. Walter Thompson is placing spot announcements for Ballentine's Ale and U. S. Playing Cards on the west coast. First of the campaigns will start Sept. 3, while the card business will tee off some time in November. Agency is also doing a little spotting in behalf of Brater's Asthma Cure.

Thompson is also working on transcribed spot announcements for the Republicans in the current campaign, but nothing has been settled as far as the account is concerned.

Hearst's KYA, S.F., Again Changes G.M.s; Meyer In, Quinn, Moser Out

San Francisco, Sept. 17. In the first turnover that Hearst's KYA has had in two years, Harold H. Meyer last week took over the managerial post from Reiland Quinn. Latter got a month's grace while Quinn's assistant, Gurdon Moser, was dropped immediately.

Meyer broke the news to Quinn and Moser by summoning them to his room in a downtown hotel. Quinn's stay at KYA was a record for the station.

Socialite Graduates

Albany, Sept. 17.

Erastus (Tip) Corning, V, one of the few announcers rating a Social Register mention, is advancing from WOKO to an assignment as speaker on CBS serial, 'Young Doctor Malone.'

One-time dance band leader, farmer and interior decorator, he has spent two years in radio.

Premieres

(From Wed. to Following Thurs.)

Fri., Sept. 20.

General Foods (Grape Nuts), WABC-CBS, 8-8:55 p.m. 'Kate Smith Hour' with Kate Smith, Ted Collins, Willie Howard, Jack Miller's orchestra, Ted Straeter and his chorus and guest stars, Tyrone Power, Mary Astor and Dean Jager. Young & Rubicam. Announcer, Andre Baruch. Originates from N. Y. Hookup, 75 stations.

Sat., Sept. 21

Procter & Gamble (Drene), WEAF-NBC, 8-8:30 p.m. 'Knickerbocker Playhouse' with Lester Damon and Leslie Woods, guests. H. W. Kastor & Sons. Originates from Chicago. Hookup, 47 stations.

Tues., Sept. 24

Pepsodent Co., WEAF-NBC, 10-10:30 p.m. 'Pepsodent Show' with Bob Hope, Jerry Colonna, Skinnay Ennis and his orchestra, Six Hits and a Miss. Lord & Thomas. Announcer, Bill Goodwin. Originates from Hollywood. Hookup, 63 stations.

Leo Reisman on ASCAP vs. Radio

New York, Sept. 15.

Editor, VARIETY:

There is a bigger issue at stake in the ASCAP-NAB-BMI controversy than the mere price of music or method of paying for it.

Democracy can only survive with competitive forces at work. The moment some agency that does the buying starts to do the selling to itself as well, it automatically establishes its own price, eliminates competition and creates a closed market.

In the case of music and radio, such a closed market does not give songwriters and musicians any protective source against unfair dealings' monopolistic practices.

In respect of any other consideration, if democracy is to survive, we must have competitive agencies. When the radio chains place themselves directly or indirectly in control of the music that may or may not be played, they create a definite monopoly, eliminate competition and place songwriters and performers at their mercy, artistically and commercially.

I am not an ASCAP member, and whether ASCAP is asking too much or little for its music is to me a comparatively unimportant issue and one that could easily be settled by negotiation or arbitration.

The most important thing is that the radio chains must remain open to the works of all composers and authors, and that the creators have a right to expect a fair price for their works and not be subject to monopolistic pressure. Only thus can true democracy survive.

Speaking for myself as a performer—and I believe I voice the sentiments of orchestra leaders generally—I want to feel free to exercise the prerogative or artistic license of my calling and be privileged to play what I please, what I think will give the greatest pleasure to the greatest number, without being confined in my choice and judgment to the limited works, and limited opinions as to these works, forced upon me by any monopolistic group.

Only thus can I do justice to myself, to my men, to the public and to my employers. Only thus can songwriters and performers do justice to music. Only thus can the broadcasting chains do justice to their responsibilities.

Leo Reisman.

Sidney M. Kaye Writes Russ Morgan

New York, Sept. 11.

Mr. Russ Morgan, Hotel Pennsylvania, N. Y. C.

Dear Mr. Morgan:

It is, of course, a lamentable state of affairs that orchestra leaders should be compelled to discontinue the use of arrangements which they have made at considerable expense to themselves. I want to be sure, however, that you know where the fault for this condition lies.

The broadcasters at the present time are paying between \$4,000,000 and \$5,000,000 a year to ASCAP in order that all music may be available to the artists who perform over their stations. ASCAP is now demanding a sum which VARIETY estimated at \$8,750,000, basing its estimate on certain assumptions which did not appear in the form of contract as later issued. The amount which broadcasters are asked to pay, therefore, cannot be estimated at less than \$9,000,000, and it may be closer to \$10,000,000.

I would like personally to go over with you the figures which conclusively prove that acquiescence in ASCAP's demands would put networks in the red, or close to it, even if no other business factor changed. I should like to show you the terms of the new ASCAP contract which imposes a percentage tax not only from revenue from time sales, but on the station's revenue from line charges and talent sales. ASCAP is responsible for the unavailability of its music. This unavailability is caused by the nature of the demands which they have had the hardihood to make. Broadcasters are doing everything that they can in order that the eliminations of the music may be attended with the least possible disturbance to their artists.

If you would like to discuss this situation with me, I should be delighted to have an opportunity to do

Sidney M. Kaye, V.P., Broadcast Music, Inc.

ONLY 2.2% SPONSOR PLUGS 'QUESTIONABLE'

Washington, Sept. 17.

A total of 2.2% of commercial continuities analyzed by the Federal Trade Commission last week have been tagged 'questionable.' It was announced last week, but the designation applies only to 'initiation of inquiry' and is not to be construed as a forerunner of any final adverse action by the commission.

Inspection of 635,843 continuities from 697 stations showed that 20% of the 14,274 blurbs at which the commission raised an eyebrow originated from individual stations located in cities of over 500,000 population. Stations in cities of 250,000 to 500,000 contributed 18.3% of the questionable scripts; transmitters in cities of 100,000 to 250,000 were responsible for 14.8%, and stations located in the 50,000 to 100,000 population range supplied 17.8% of the continuities now being scanned by the Feds.

An interesting phenomenon was seen in the fact that stations in cities of from 25,000 to 50,000 produced the least number of questionable continuities, 11.9%, while towns under 25,000 boosted the figure to 17.6%.

THURMAN QUILTS NBC

Head of Tours Department May Return to Former Grocery Biz

Charles H. Thurman, head of National Broadcasting Company's guest relations' department, resigned last week in order to return to his former home in Chicago, where he probably will re-enter the wholesale grocery supply business. Thurman headed this division, which covered all NBC tour business and radio studio shows of the network.

W. G. 'Jerry' Martin, Thurman's assistant, has been placed in charge of the department. Thurman's friends in NBC tossed him a cocktail party and dinner Monday (16) night.

W. & L. Hunting Ross Federal Poll Sponsor

Warwick & Legler agency is trying to sell a radio tieup with the pre-election poll which the Ross Federal Service is now running about 125 newspapers. The series which W. & L. has tapped out calls for three five-minute programs a week with Fulton Lewis, Jr., doing the m.c. as well as statistical treatment, and actors playing the part of farmers, workmen and business men airing polled opinions on the issues of the campaign. The agency had submitted the program to Larus Bros. & Co. for its Edgeworth tobacco, but without success.

It was W. & L.'s idea to spot the series for Edgeworth on Mutual at 9:30 p.m., which would bring the poll opposite the Associated Press news period with John B. Kennedy on the NBC-blue. The Ross-Federal poll is similar to the one that George Gallup's Institute of Public Opinion is doing. Ross-Federal claims that it is interviewing 10,000 persons a week for the poll, which is considerably above the Gallup coverage.

ALBANY WOKO HEAVILY PLUGGING BMI SONGS

Albany, Sept. 17.

WOKO here is aggressively pushing BMI numbers, tagging them on the air as BMI-published and adding such phrases as 'one of those Broadcast Music, Inc., tunes you are going to hear a lot of soon.'

Forrest Willis, singer-pianist-composer, on an hour-long daily Musical Clock (station's biggest mull puller), always identified BMI selections. He also tabs them when used on an afternoon 'Quarter Quiz.'

GF VS. 'OVERLAP' COVERAGE

N. Y. AFRA Membership Burns At Nets' 'Strike-Breaking' Plans; Strike Evident if Mediation Fails

As the major networks and the American Federation of Radio Artists are huddling this week with the New York State Mediation Board, there is growing possibility that a breakdown of the confabs may result in a complete tieup of network broadcasting, both sustaining and sponsored. That was indicated by the tone of the meeting of the New York local membership Thursday night (12) at the Edison hotel, N. Y. Of course, there is a good chance that the networks and the union may be able to reach a compromise agreement, thus ending the whole dispute.

As several speakers pointed out at the membership meeting last week, the networks were openly preparing to break the strike if AFRA members walked out of sustaining shows. Believed certain that in case of an AFRA walkout, the musicians would continue to work. That prospect appeared to anger the members. It was then suggested that if the networks should attempt to break the strike by using music and non-AFRA announcers, the union should instantly strike against the commercial programs. That would cut off the network income at once. Pointed out that AFRA's commercial code does not contain no-strike clause.

It is admitted that AFRA's present dispute is with the networks rather than the agencies or sponsors. But those at the membership meeting argued that by striking against the sustaining programs and continuing to work on sponsored broadcasts the union would in effect be strike-breaking against itself. Thus, as long as they continued to receive income from the sponsored shows, the networks could use music, transcriptions and piped-in programs for sustainers almost indefinitely.

Current huddles with the State Mediation Board participating were made possible just before last Thursday (Continued on page 29)

NBC SHOWING NAME PACKAGE

Hollywood, Sept. 17. NBC is packaging a variety show comprising Charles Boyer, Vera Vague, Virginia Bruce, Lillian Cornell, David Broekman's music and Ken Carpenter. Audition was held Sunday (14).

Wayne Griffin, of Battin, Barton, Durstine & Osborne, produced, with two of that agency's accounts reported interested.

CHESTERFIELD TESTING WITH 'PROFESSOR QUIZ'

Chesterfield may return to its policy of strictly half-hour shows after Jan. 1. Much will depend on how well 'Professor Quiz,' which goes on its payroll over CBS Oct. 3, fares. Account now has Fred Waring on the NBC-red five evenings a week, and Glenn Miller three nights a week.

Hines Quits Morse Intl.; Joins WTAQ, Green Bay

William B. Hines has resigned as a time buyer at Morse International to become national sales manager of WTAQ, Green Bay, Wis. He leaves the agency Oct. 1. Hines has been with Morse International for four years. He came from WSM, Nashville, where he had been an announcer and general traffic man.

2 Agcys. Merge

Topping & Lloyd and the Dillingham, Livermore & Durham radio agencies have merged under the name of Lloyd, Chester & Dillingham.

Move became effective Monday (16).

Thompson Agcy., Old Gold May Get Together Again

Report persists that a reappraisal between the J. Walter Thompson agency and Lorillard on the Old Gold account is getting exceptionally hot. Lorillard, it is said, has recently lent an ear and eye to radio and general campaign presentations submitted by Thompson. Lennen & Mitchell, the agency which has had the Old Gold business from away back, is currently lining up stations and programs for a proposed spot campaign on the cigaret.

Wythe Williams Heads Gov't Defense Show; On All Nets, Free Spielers

Complete plans for 'The Radio Round Table,' in which various other commentators will interpret national defense progress, will be in the hands of President Roosevelt by this weekend. Wythe Williams, who will be in charge of the show, declared yesterday (Tuesday). It will start within two weeks.

First program of this nature ever to be categorized by the Government as 'official,' it will rotate on NBC, CBS and Mutual weeks each week. It will be a half-hour show, probably on Sunday evenings.

Williams and the other commentators, all of whom will be in the nationally-known class, will work for free. They will take reports of the various government agencies contributing to national defense and interpret them to the public. Presidential secretary Stephen T. Early said Monday (16) in making the plan public. It was Early who declared it was an 'official' radio program.

Williams, for 26 years a foreign correspondent, on Sept. 10 began splicing a 93-station Mutual hookup for the American Safety Razor Co. He earned a reputation as editor of Greenwich (Conn.) Time, on his return from Europe in 1936, for his 'scopos' events abroad.

Alka-Seltzer Gives WLS Barn Dance 8th Year

Chicago, Sept. 17. WLS National Barn Dance will make its eighth year on the NBC web for Alka-Seltzer, with the Wade agency here okaying another 52-week renewal effective Oct. 5. Total of 87 stations will be hooked up for the Miles Laboratories hillbillies, who have been guitar-twanging on NBC since Sept. 30, 1933.

Hollingsberry Reps KVI

Chicago, Sept. 17. George Hollingsberry company has been appointed sales rep for KVI, Tacoma, Wash. Appointment made through KVI sales manager, Earl Irwin.

REDUCING JACK BENNY'S LINEUP

General Foods Testing Theory that Program Popularity Will Cause Interland Dialers to Angle for Clear Channel Outlets—Will Check Sales and Listener Reactions

7 LOCALS DROPPED

General Foods will test out a new theory it has about the advantages of a top rating show when it comes to station coverage when Jack Benny returns to the NBC-red Oct. 6. The account has dropped from the Benny program's list a number of stations, whose coverage is overlapped by the signal of high-powered outlets. In the belief that the listening habit for Benny has become so strong that set owners in small towns will dial for this program on distant clear channel stations.

Seven stations which fall within the purview of such clear channel signals have been eliminated from the Benny show's station roster as a starter for the experiment. The food packer proposes to follow up this move with a two-fold probe. The Neilson Service will, after an ample interval, check the dealers in the area of the stations dropped to find out what effect the change in dialing habits has had on the sale of Jell-O, while the research division of Young & Rubicam, agency on the account, will make a special check on the listener count in these same areas. The fate of other small-powered stations on the Benny list which fall within the same category depends on the result of these checks.

First Such Test

It is the first time that an advertiser has gone in for an inquiry of this sort. Saturation in sales, it was pointed out, has nothing to do with the project. Nor saturation in listener popularity. General Foods believes that Benny's popularity has been built up to the point where an overlap between big and little stations is no longer necessary. The account still reserves some doubt about this theory, and it figures that the only way to make sure is to drop some of the small stations and then institute the sales and listener checks.

General Foods is radio's second biggest spender for time and talent, being topped only by Procter & Gamble. In 1939, GF had combined network billings totaling \$5,270,000.

CAMPBELL HOT FOR NIGHT NET SPOT

Campbell Soup would add a half-hour evening program to its network list if it could get a good spot on either the NBC-red or Columbia between 8 and 10. The account has been listening to program suggestions for the spot, if and when it becomes available.

Campbell is now carrying five shows on CBS, all of 15-minute strip character and none airing later than 7:30 p.m.

KOME Joins NBC-Blue

KOME, Tulsa, joins the NBC-blue Sept. 29. It operates at 250 watts on 1310 k.c., and the evening rate will be \$120.

Nets' Political Headache Mounts; Weber Protests to Demos, and Latter Ask Free Time to 'Answer' Willkie

Krautters Quits WCKY

Cincinnati, Sept. 17. E. C. (Jim) Krautters resigned Saturday (14) as sales manager of WCKY. He joined the L. B. Wilson station 18 months ago, after several years with the Crosley stations' sales staff.

An agency affiliation, probably in Chicago, will likely be Krautters' next stop.

50 CBS Stations To Carry Special Lux 1-Min. Bally

CBS has guaranteed Lux a minimum of 50 stations for the special minute transcription that the soap account has had made up to plug the cameo brooch premium mentioned on the Lux Radio Theatre. The affiliates are being asked to carry the disc as added finger-pointing to the appearance of a model with perfect cameo features' on the Sept. 25 broadcast of the show.

Transcription's contents deal with a dialog between Cecil B. DeMille and Russell Patterson, artist, about the girl and her flying to Hollywood for the broadcast. J. Walter Thompson agency developed the tieup.

4 of Toscanini's NBC Concerts, Which Start Nov. 23, From Carnegie

Arturo Toscanini is set to do a series of 14 broadcasts this season for NBC, with four of them coming from Carnegie Hall, N. Y. The maestro's 1940-41 season opens at Carnegie Hall Nov. 23 and he will conclude the initial group of six broadcasts with a concert from Carnegie Hall, Dec. 28. He returns for another four broadcasts Feb. 1, the last of which will originate from Carnegie Hall, Feb. 22. Toscanini's next and final group begins March 29 and he winds up this particular group April 19 in Carnegie Hall. When not held in Carnegie Hall, the maestro's concerts will come from the largest studio in NBC's Radio City plant.

Before Toscanini makes his seasonal appearance for the network, there will be six weekly concerts by the NBC symphony orchestra under Hans Wilhelm's direction. Alfred Wallenstein will handle the baton for the series, extending from Jan. 4 to 25, and Georg Steltz will conduct during Toscanini's second layoff, namely, March 1 to 22.

Campbell-Lampsee Ad Agency in Bankruptcy

Campbell-Lampsee, Inc., advertising agency, 370 Lexington avenue, N. Y., filed a voluntary petition of bankruptcy in N. Y. federal court Friday (13) listing assets of \$17,917 and liabilities of \$36,710. The agency entered business in July 1938.

Among the creditors are the Federal and State governments, \$181; WHN and Marcus Loew Booking Agency, \$305; WMCA, Knickerbocker Broadcasting Corp., \$1,459; WNEW, \$272; WOR, Bamberger Broadcasting Corp., \$80. Of the assets, \$14,986 are accounts receivable.

Fred Weber, general manager of the Mutual Network, last week lodged a stiff protest with the Democratic National Committee for its failure to include his hookup in the broadcast facilities that the committee bought for President Roosevelt's speech before the Teamster Union's convention in Washington last Wednesday (11). Mutual had the talk originally scheduled as non-payment broadcast; but, it cancelled the event after the committee decided to buy the time. The order went to Columbia and the NBC-blue.

Weber advised the Democratic National Committee that all he sought was parity with all the other networks and that it would be fairer, for the committee to recognize, in the distribution of orders, the existence of three networks, and not four, since NBC in the red and blue links has a singly owned operation.

Weber also contended that if the committee intended to rotate its network business it should be done strictly on a three-way basis, with the NBC-red and blue counted as one, the same as CBS and Mutual.

Nets' Headache Mounts
Headache which the presidential campaign has become for the networks was aggravated yesterday (Tuesday) when NBC, CBS and Mutual each received a letter from Charles Michaelson, head p.a. for the National Democratic Committee, declaring that the latter expected to be granted free time in which to answer the speech that Wendell Willkie, Republican candidate, made from Coffeyville, Kan., the night before (16). Michaelson wrote that the speaker designated by the committee for this task should be given the same amount of time as well as the same hookups.

Michaelson also stated that the two Labor Day talks which President Roosevelt had delivered were strictly dedicatory in nature, and not political, and that the Democratic committee saw no justification for (Continued on page 29)

CBS MAY GET 2 MORE 50 KW.

Columbia is in line for two more 50,000-watt affiliated outlets as a result of the reshuffle of wavelengths slated to take place in March, 1941. They are WKBW, Buffalo, and WLAC, Nashville.

With WKBW it will be 1,520 k.c. and WLAC, 1,510 k.c. WGR, also owned and operated by the Buffalo Broadcasting Corp., stays on 550 k.c., but jumps to 5,000 watts night-time.

B.B.D.&O. DEVELOPING BERNIE'S STOOGES IDEA

B.B.D.&O. is developing a show around 'The Famous Stooges' idea, which Herman Bernie conceived, for presentation to a client. Program will include a name band.

Among the personalities that Bernie has recruited is Oswald, who worked with Ken Murray, and Honey Chile, Bob Hope's original radio stooge.

'Death Valley's' 10th Anni Gets Full Hour

'Death Valley Days' (Pacific Coast Borax) will celebrate its 10th anniversary on the NBC-blue Sept. 27 with a full hour's program, 8-9 p.m. It's the oldest dramatic show on any of the webs.

Program's customary spot is 8:30 to 9 p.m.

Not Much Change in New York; Chevrolet and Col. Record Spot Biz

WHN: Chevrolet Motor Division, through Campbell-Ewald Company of Detroit, station-break announcements; Justrite Company of Milwaukee (Bird Seed), through Richard A. Foley Advertising Agency, daily participating announcement campaign for 13 weeks; American Fruit Growers, Inc., of Pittsburgh, through Walker & Downing, 13 weeks, station-break announcements; Easter Wine Corp. (Chateau Martin Wines), through H. C. Morris & Co., 10 daily participating announcements for 52 weeks; Magazine Repeating Razor Company (Schick Injector Razor), through J. M. Mathes, Inc., professional Giants home and away football games, Dick Fishell to do the play-by-play and Bert Lee the commercials; contract calls for 11 games; A. Finkenbergs & Sons, through H. S. G. Advertising Agency, 'Voices of Yesterday', for 52 weeks, two quarter-hour broadcasts weekly; Clarence Hansen & Sons, Inc., through Sternfield-Godley, Inc., 52-week contract, station-break announcements; Henry Kelly Importing and Distributing Company, through Walter W. Wiley, station-break announcements for 13 weeks.

WMCA: Chevrolet Motor Division, through Campbell-Ewald Co., Inc., announcements; Columbia Recording Corp., through Benton & Bowles, 14-week contract, 2 1/2-min. announcements; Eastern Secretarial School, announcements; Community Opicians 7 Dollar Eyeglass Manhattan Corp., 13-week contract; 28 min. programs, 'Zeke Manners', five-min. news program weekly; Oliver commentaries, through World Wide Advertising Corp., for 26 weeks; Caxton House Encyclopedias, through H. C. Morris Co., 13 weeks, spot announcements; Hudson Dealers of New Jersey, through Brenell Co., Inc., 13-week contract; Warren-Norge Co., through Northworth Advertising Agency, 52-week contract, 60 announcements weekly; Car Products, Inc., through Spot Broadcasting, Inc., 52-week contract for announcements; Optical Membership Plan, Inc., through Ted Nelson Associates, 52-week contract for 18 two-min. announcements weekly; Manhattan Pontiac Corp., four-week contract for announcements; Julius Grossman Shoes, through Sterling Advertising, Inc., 52-week contract, 48 one-min. announcements weekly; National Motor Rebuilding Corp., through Sternfield-Godley, Inc., 20 announcements weekly; Old Country Trotting Association, Inc., direct, announcements; Buick Motor Division (Buick), through Arthur Kuder, Inc., 26 announcements; General Foods Corp. (Maxwell House Coffee), through Advertisers Broadcast Co., Inc., 'Molly Picon', contract for 26 weeks; Jests, Inc., through The Joseph Katz Company, 63 announcements; Pepsi-Cola Co., through Newell-Emmett Co., 50 announcements on a 13-week contract; Kelly Bros. (Old Dutch Brand Wines and Brandy), through Walter W. Wiley agency, 13-week contract for announcements.

Sept. 14 Compared to Sept. 7				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
630	10,303	10,600	21,533	
630	10,186	10,612	21,428	
...	+1.1%	-0.1%	+0.5%	

*No change.
(Included: WHN, WMCA, WNEW, WOR, WQXR)

Des Moines as Was

Des Moines, Sept. 17. Not much change here this time. Fall season is under way, and all indications point to a bumper crop.

Sept. 14 Compared to Sept. 7				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
6,850	2,884	3,586	13,270	
6,755	2,891	3,581	13,227	
+0.6%	-0.2%	-0.4%	+0.3%	

Renews Musical Quiz

Columbia, S. C., Sept. 17. WIS has received a contract renewal from Royal Crown for the musical quiz series. It's a Pot of Gold idea, with cash and cases of the product as giveaways.

Allen Corris is the m.c. for the series.

DETROIT HITS FALL STRIDE; SPOT UP 6.2%

Detroit, Sept. 17. With the monetary flash of political time behind them, Detroit's stations are rapidly hitting up the pace to where they left it last spring. Both network and national spot are back close to the figures of June, with only a slight falling off in local time accounted for by the end of the preliminary political campaigning.

Auto time naturally is among the important items here in the automotive center, but department stores have also afforded help. Settling into fall, with the lining up of the network accounts, business outlook here is decidedly on the optimistic side.

Sept. 14 Compared to Sept. 7				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
7,640	10,730	4,705	23,075	
7,335	10,747	4,811	22,513	
+4.1%	-0.2%	+6.2%	+2.5%	

(Included: CKLW, WJBK, WJR, WMBZ, WWJ, WXYZ)

ASSOC. OIL'S BIG COAST GRID SKED

San Francisco, Sept. 17. Associated Oil, through Lord & Thomas, has set heaviest sked of games and stations in history of oil's coast football sponsorship, 85 grid tussles pegged for miking. New wrinkle is use of flock of indie juicers to cover sections hitherto not reached by Associated Sportscasters.

Web time is pretty evenly divided between CBS, Mutual and NBC Red, latter seemingly getting slight edge this season. Supplementing chains, either by direct link or via teletype recreations, will be such indie stations as KUJ, Walla Walla, Wash.; KIDO, Boise and KRLC, Lewiston, Idaho; KFWB, Hollywood; Oregon stations KAST, Astoria; KBND, Bend; KBKR, Baker; KFJL, Klamath Falls; KLBM, Le Grande, and KUIN, Grants, Pa.

Heaviest sked of all will be carried by KQW, San Jose, which will be used for local games in S. F. Bay area. In addition, being member of Don Lee-Mutual necklace, juicer will also carry web grid releases. Men who will man the mikes were summoned to Frisco for two-day pep session to hear coaches explain how rules will be interpreted and to get agency alert on commercials. This year's bevy of voices includes Ernie Smith, Don Thompson and Doug Montell, for Bay area; Frank Bill and Mike Francovich for Southern California; Del Cody and Pat Hayes, Spokane; Ted Bell, Seattle, and John Carpenter and Art Kirkham, Portland.

Twelve of the season's games will also be shortwaved for Hawaiian release.

KROW Newscast Sold

San Francisco, Sept. 17. 'Five Star Final', nightly newscast, has been sold to Kushins Shoes by KROW.

Garfinkel agency handled deal, which calls for six-a-week for one year.

Candy Sponsoring Juve Show on Lone Star Chain

San Antonio, Sept. 17. New program to be aired three times weekly over the Lone Star Chain is titled 'Kids in the News' and is to be sponsored by the Pre-Pack Corp., makers of 'Big Nick', a new chocolate confection.

Program was set by Southern Ad. agency and will be heard through KTXA here; KGKO, Fort Worth; KGNC, Amarillo; KRGV, Weslaco; KRIS, Corpus Christi, and KXYZ, Houston.

CHI SPOT BIZ SHOWS NICE UPTURN

Chicago, Sept. 17. WBBM: Musterlo Co., 15-minute news period six times weekly, through Erwin-Wasey; Local Loan Company, Chicago, extension of five-a-week 15-minute news program and nightly Sports Review, through George Hartman agency; Campbell Cereal Co., Minneapolis, for Malto-Meal, daily time signal announcement schedule, through Kastor agency, Chicago; Vicks, announcement schedule daily, through Morse International; Bunte Bros. Candy Co., Chicago, announcement schedule, three times weekly, through Presba, Fellows & Presba, Chicago.

WMAQ: Richman Bros. Clothing, three 15-minute news periods weekly, through McCann-Erickson, Cleveland; Pargson Hat Co., announcement schedule twice weekly, through Martin Pokrass agency; Wilson & Co. for Ideal dog food, six times weekly 15-minute news period, through U.S. Advertising agency in Boston. Stores, five-minute period three times weekly, through BBD&O, Chicago.

Sept. 14 Compared to Sept. 7				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
9,810	5,661	10,577	25,453	
9,155	5,621	10,372	25,148	
+0.8%	+0.8%	+1.9%	+1.2%	

(Included: WBBM, WENR, WGN, WJZ, WJLD, WLS, WMAQ)

THOMPSON SPOTTING FLEISCHMANN IN CAN.

Montreal, Sept. 17. J. Walter Thompson is planning a spot campaign for Fleischmann's Yeast to start in October over CFCF, and group of Canadian stations. Agency continues to handle Fleischmann account in Canada.

Agency has added seven stations in the Maritime Provinces for Kraft Cheese program.

Plymouth Dealers Buy Cleve. Pro Grid Games

Cleveland, Sept. 17. Plymouth dealers of Cleveland and Cuyahoga County have completed deal to air Cleveland Ram pro football games via WGAR, which will broadcast the play-for-play games for the fourth consecutive year. General Mills was purchaser of this package last fall for Wheaties.

Bob Kelley again will handle the games and will accompany team for direct broadcasts in road games at Chicago, Detroit, Green Bay, Brooklyn and New York.

L.A. Jumps Into High Gear With 9.3% Gain in Local and 8.9% in Spot

NEW NETWORK SKEDS AIDING SEATTLE BOOM

Seattle, Sept. 17. Flock of incoming web shows is causing network stations to revise their schedules drastically. This naturally means that local accounts must be sidetracked into other time periods, but such revisions have fortunately not caused any loss of business thus far. It all adds up to the best fall ever seen in these parts.

Sept. 14 Compared to Sept. 7				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
4,240	12,456	1,430	16,126	
4,125	12,390	1,441	15,965	
+2.7%	+0.4%	-0.7%	+0.8%	

(Included: KIRO, KOL, KRAC, KXA)

FRISCO LOCAL UNITS RISE 3.2%

San Francisco, Sept. 17. Lord & Thomas spread happiness at KFRC this week, placing a 52-week, half-hour evening audience participation show for Roos Bros. department store, and seven quarter-hours weekly across the board at 9:15 p.m. for Safeway Stores. Latter, using frost warnings and farm news, will originate at KFRC but won't be released locally, being piped to 10 hinterland outlets.

KSFO is busy selling time it hasn't got, but will have, when local skeds are juggled by annual eastern changeover to standard time. With clock-shift, CBS' outlet will expand its 100% sold Housewives Protective League participation stanza to a full hour, clients already being lined up. Simultaneously, KSFO will acquire Cluett-Peabody's six-a-week Sanforized shopping spiel currently on KFRC, and a five-weekly transcribed Wheatina Playhouse. Both are 15-minute items.

KFRC: Roos Bros. (clothes), through Lord & Thomas, half-hour weekly, 52 weeks, 'Who Done It?'; Safeway Stores, through Lord & Thomas, seven quarter-hours weekly, through winter, frost warnings; Insurance Management Co., through Allied Advertising, quarter-hour weekly, 13 weeks, 'This Strange World'; O'Conner-Moffatt (department store), through Ruthrauf & Ryan, 11 spots; Electrical Appliance Society (for ironers), through Frickelton agency, 30 spots; Beech-Nut Packing (gum), through Newell-Emmett, N. Y., 32 ET spots.

Sept. 14 Compared to Sept. 7				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
8,830	5,007	1,068	15,935	
8,775	4,851	2,012	15,838	
+0.6%	+3.2%	-0.7%	+1.0%	

(Included: KFRC, KGO, KJBS, KPO, KSFO)

Coca-Cola on Tulane

New Orleans, Sept. 17. For eighth straight year WSMB has received contract from Coca-Cola to handle play by play broadcasts of all Tulane games.

Bill Brengel, station's sportscaster, will do the play by play.

Los Angeles, Sept. 17. Don Lee chain stepped out last week with the biggest business push in weeks. Survey ordered by Headman Lewis Allen Weiss reveals that 137 quarter-hours have already been committed and that a score more will join the list before the moth balls are shaken out of heavy-duty apparel.

In the week's round up of biz, four new accounts took a healthy cut of the KHJ time chart. Topping this increment was Health Aids' buy of 416 quarter-hour periods for Dr. Lindlahr's health talks and the news, through Raymond Spector. Taylor Auto bought 156 quarter-hour newscasts through United Advertising. Bond Stores repeated the order, through Neff-Rogov, and Ghirardelli Chocolate took on 39 half-hour broadcasts of 'Show of the Week', through Erwin-Wasey. Other pickups included 13 hours by All Saints Church-by-the-Sea of Santa Barbara; Armand Co.'s 65 participations in Norma Young's 'Happy Homes', through Russell M. Seeds, and Stayer Corp.'s 105 spots, through Erwin-Wasey.

KNX: Colonial Dames (cosmetics), 156 participations in newscast, through Glasser agency; Loma Linda Foods, 312 participations in Fletcher Wiley combination, through Lisle Sheldon; Power Seal, 156 participations in newscast, through Mayers Co.; Helms Bakeries, 24 participations in Fletcher Wiley combo; and Downtown Businessmen's Assn., 52 time slots.

KFI: Friday Magazine, 10 one-minute transmissions, through H. C. Morris; Flamingo nail polish, three spots weekly for six months, through Milton Weinberg; Chrysler, 13 spots, through J. Stirling Getchell.

KECA: Zeeman Clothing, 221 quarter-hour recordings, through Lockwood-Shackelford; Chevrolet, 33 spots, through Campbell-Ewald; Brown Military Academy, 11 participations in Art Baker's 'Note Book', through Lisle Sheldon; Consolidated Hotels, 12 quarter-hour programs, 'Musical Clock', through Allied Advertising; Knudsen Creamery, 26 quarter-hour broadcasts of 'Twilight Tales', through Heintz-Pickering; Vitamin Products, 26 quarter-hour programs, 'The Family Doctor', through Philip J. Meany.

KFWB: Kay Department Store, 63 spots, through Charles Davis; Downtown Dollar Day, 52 spots, through Hillman-Shant; A County Fair, 51 quarter-hours; Sears Roebuck, 18 spots, through Mayers Co.

Sept. 14 Compared to Sept. 7				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
9,722	10,414	1,915	22,051	
9,387	9,528	1,759	20,874	
+1.4%	+9.3%	+8.9%	+5.8%	

(Included: KECA, KFI, KFWB, KHJ, KNX)

WWL, N. O., 7-MONTH SPOT REVENUE UP 52%

New Orleans, Sept. 17. Including summer months, notoriously bad here, WWL, CBS' 50,000-watt, shows a 52% average increase in national spot revenue for past seven months.

On a monthly basis, that station's gain in January was 56%; February, 70%; March, 48%; April, 49%; May, 43%; June 44%; and July, 51.4%.

Brewer's Triple-Decker Of Sports and Music

San Antonio, Sept. 17. Gulf Brewing Co., of Houston, has set a series to be heard three times weekly on the Texas Quality Network in behalf of its Grand Prize beer, through the Rogers Gano agency. Programs will originate in the studios of KFRC, Houston, and will be heard on WQAI here, WFAA, Dallas, and WBAP, Fort Worth.

Program on Tuesdays will be all music, featuring Bert Sloan's orch; on Thursday, program will contain music and football predictions by Lloyd Gregory, and on Saturday it will give the football results with tunes of the winning teams. Series starts Oct. 1 and will be known as 'The Prize Parade'.

THREE MONTH TREND OF STATION BUSINESS

(For All Markets Regularly Reported by 'Variety')

NATIONAL SPOT				
Week Ending	Units			
June 29	62,145			
July 6	61,217			
July 13	62,054			
July 20	60,556			
July 27	56,646			
Aug. 3	56,588			
Aug. 10	54,599			
Aug. 17	53,957			
Aug. 24	53,656			
Aug. 31	54,003			
Sept. 7	54,214			
Sept. 14	54,329			

LOCAL				
Week Ending	Units			
June 29	90,375			
July 6	89,334			
July 13	90,015			
July 20	88,582			
July 27	87,309			
Aug. 3	87,745			
Aug. 10	86,147			
Aug. 17	86,836			
Aug. 24	88,330			
Aug. 31	90,930			
Sept. 7	90,291			
Sept. 14	91,652			

NETWORK				
Week Ending	Units			
June 29	90,034			
July 6	92,641			
July 13	89,929			
July 20	85,031			
July 27	87,240			
Aug. 3	87,756			
Aug. 10	87,387			
Aug. 17	87,487			
Aug. 24	87,711			
Aug. 31	87,671			
Sept. 7	89,046			
Sept. 14	89,306			

TOTALS				
Week Ending	Units			
June 29	242,554			
July 6	243,222			
July 13	241,998			
July 20	234,169			
July 27	231,195			
Aug. 3	232,089			
Aug. 10	228,133			
Aug. 17	228,280			
Aug. 24	229,697			
Aug. 31	232,604			
Sept. 7	233,551			
Sept. 14	235,287			

SPOT PULLOUTS BURN REPS

Unselling the Buyer

Owner of a new half-hour program could have had a commercial recently if the sustaining debut of the same show had been deferred by one week. After trying for weeks to get a sponsor by the transcribed audition route, the owner turned to one of the networks and worked out a sustaining deal.

On the eve of the sustaining debut, the program's owner got a phone call from an agency, telling him that one of its clients was very much impressed by the disc and would like to talk details. "That's fine," rejoined the program owner, "I'm putting the program on sustaining to-morrow night. Ask your client to listen in and I'll be over to see you the next morning."

The program was aired as scheduled and the production was not nearly as well done as the transcribed version. The client phoned the agency the next morning that he had become totally unsold by the broadcast, and that he preferred to forget the whole thing.

Intl. Assn. of Police Chiefs Scores Radio Crime Dramas; They Will Boycott 'Em

Milwaukee, Sept. 17. Radio crime dramas were condemned as "detrimental to the morals and proper training of children" by 1,000 delegates to the annual convention of the International Assn. of Chiefs of Police meeting here at the Hotel Schroeder. Then, to put teeth into their stand, they unanimously adopted a resolution Thursday (12) that none of the members of the organization shall henceforth supply factual information on crimes for such programs. Going further, they agreed to urge that all members of police departments and other law enforcement agencies be discouraged from supplying any such information for broadcasting.

Programs of this nature have had altogether too much time on the air, the chiefs held, and should be discontinued. They will carry their plea to the Federal Communications Commission, the national radio chains, every member of the International Assn. of Chiefs of Police and all state law enforcement organizations. Similar action, it was announced, is being taken by the Central States Probation and Parole conference. The resolutions adopted by the police officials did not men-

(Continued on page 30)

P&G Points Up Dat Ole Debbil Time Change

Station affiliates on the NBC-red were reminded of the approach of time change (Sept. 29) and the schedule turmoil which goes with it by Procter & Gamble's announcement last week of its proposed new daytime serial lineup for the fall. The P & G switches are more diverse and complicated than ever.

"Midstream" and "Woman in White" will be dropped entirely from the network after Sept. 27 and on the following Monday (30) a new one, "This Small Town" (Dux) (unsubstituted Soap), will make its debut. Later will have the 10-10:15 a.m. spot, Monday through Friday.

"The Guiding Light" (Naptha) will have a morning release at 10:45 instead of 11:45, and a second broadcast at 5:30 p.m. Other switches include: "Man I Married" (Oxydol) from 10 to 11 a.m., "Houseboat Hannah" (Lava) from 10:15 to 10 a.m., "Road of Life" (Chippo) from 11:15 to 11:30 a.m., "Against the Storm" (Ivory) from 11:30 to 11:45 a.m., "Kitty Keene" (Dreft) from 5:15 to 11:30 a.m., and Dash will be the program's plug on a mountain and westcoat hookup.

"Lone Journey" (Dreft) goes to a full network, with 5:15 the new time, and 17 more outlets will be added Oct. 21. On that same date "Life Can Be Beautiful" (Ivory) will move from 5:45 to 6 p.m. and "The O'Neills" (same "product") will be dropped altogether.

Marvel Renews Spot

Marvel cigarets has renewed its spot contracts on WEEI, Boston; WBT, Charlotte; KMOX, St. Louis; and WJR, Detroit. Alden-Kynett, of Philadelphia, is the agency.

CBS TO LAUNCH NYA MUSIC SERIES

Washington, Sept. 17. Under the sponsorship of Mrs. Franklin D. Roosevelt, Mayor Fiorello H. LaGuardia and James C. Petrillo, president of the American Federation of Musicians, a series of Sunday morning programs will be launched Sept. 29 by the National Youth Administration over the Columbia network.

Aubrey Williams, NYA administrator, has announced a 10:30 a.m. program by various symphonic and concert "orchestras" of the NYA, starting with a concert by the New York NYA Symphony. Cleveland, Chicago and Philadelphia will follow and orchestras from Alabama, California, Florida, Georgia, Massachusetts, New Hampshire, New York State, Rhode Island and Pittsburgh may enter the series later.

Describing the series as "an important step in our musical history," Williams said that the programs were a logical development of the recent NYA auditioning contest which led to the formation of the Stokowski All-American Youth Symphony Orchestra.

Several NYA Negro choral groups probably will be heard and 18 choruses of various kinds, plus 12 NYA bands, will be eligible.

Mary McBride (Deane) On CBS Oct. 7 for Fla. Citrus

Mary Margaret McBride (nee "Martha Deane," on the WOR outlet) Williams said that the programs were a logical development of the recent NYA auditioning contest which led to the formation of the Stokowski All-American Youth Symphony Orchestra.

She has a Boston American Legion convention personal (women's auxiliary) booked for Sept. 25-26.

COSBY-ROBERTS IN N. Y.

Clarence Cosby, commercial manager of KKOK, St. Louis, making the rounds of Manhattan agencies. Station will shift to the NBC Blue in the near future, and Cosby is lining up his new schedules. After polishing off New York.

John Roberts, KKOK general manager, is joining Cosby in New York tomorrow (Thursday).

PUT IN MIDDLE BY AGCY. BUYERS

Claim Agency Time Buyers Becoming Too Casual and Irresponsible in Treatment of Reservations—Tears Down Their Standing With Stations

NO AUTHORITY?

Station reps are beginning to burn at the casual, and, in some cases, irresponsible way that agency time buyers have started this season to treat the matter of spot reservations. The degree of inconsistency from this quarter, say the reps, has got so bad that it's going to take some time for an important station to regard a time reservation relayed by its rep as anything but a certainty. The situation, complain the reps, certainly doesn't help build their prestige with stations.

The reps state that they aren't squawking merely about the flipping around that goes from "Vick and Feen-a-Mint, but the attitude of the average agency on the subject of reservations. There was a time when a time buyer made a reservation that was tantamount to an order, or at least nine cases out of 10. Now a time buyer, with some exceptions, thinks nothing of asking a rep to sew up some spots for him and then proceed to practically forget about them.

Meanwhile the station itself goes into a stew. It had abided by the station rep's request and, as the weeks go by, it passes up one local offer after another for the same spots. Invariably after a reservation has dragged along for more than a week, the final showdown from station to rep to time buyer results in an "I'm-sorry-but-the-client-says-no."

No Authority?

Apparently the time-buying fraternity doesn't pack the authority it used to. No longer are they free (Continued on page 30)

Bar Assn. Asks Radio To Cease Depicting Lawyers as Villains

Philadelphia, Sept. 17. The nation's barristers are peeved at the constant characterization of members of their profession as shysters and villains in radio sketches.

The House of Delegates of the American Bar Assn., which ended its national convention here Saturday (15), unanimously approved a resolution of the Committee on Public Relations, read by Sylvester C. Smith, Jr., of Newark. The resolution read:

The committee objects to the characterization of lawyers on the radio as villains. The committee is taking up this objection with the broadcasters with a view to obtaining modification of such characterizations, at least to the extent of having villainous lawyers presented as an exception rather than the rule.

Lopez, Clark Permanent On MBS' Co-op 'Show'

Vincent Lopez orchestra and Buddy Clark will be the fixtures this season on "Show of the Week," which returns to WOR-Mutual Sundays starting Sept. 29 with a cooperative sponsor setup over 16 stations and sustaining on the rest of the network. Guest comedians will be used on each program. Milton Berle is the debut star.

Series last season had regular m.c. comedians, with different bands each week.

Radio's '39 Payroll, Excepting Talent, Was \$51,620,305; Nets' \$13,651,074

Half An Army

To get the pro actors on the show into the proper mood, the U.S. Army air service took Dick Albert and Albert Alley, who play the leads in the recruiting program "Johnny Get Your Wings," to Mitch Field and put them through a regular medical examination just like the one dramatized in the script.

Albert passed okay, but Alley flunked because he had hay fever.

WEINER HEADS WLW MUSIC DEPT.

Cincinnati, Sept. 17. Milton Weiner moved up Monday (16) in WLW's music department as general manager of that division and its associated activities. Besides being personnel director of the music staff and orchestra manager, he assumes the functions formerly vested in the position of music director. Latter spot was filled for the past couple years by Josef Cherniavsky, and prior to that by William Stoess. Cherniavsky was recently granted a leave to tackle new chores in the east.

Present position filled by Weiner is the biggest single station music responsibility in radioland outside the networks, according to Jim Shouse, general manager of the Crosley stations, who made the appointment. Assistant to Weiner is George Rogers, coordinator of music at WLW since 1938.

WLW's music staff consists of five orchestras directed by Stoess, Burt Farber, Jimmy James, Phil Davis and Virgilio Marucci, also a corps of arrangers, librarians and vocalists, plus a hillbilly group of more than 30 persons.

HOW RADIO TALENT FITS-IN WAGE LAW

Washington, Sept. 17. Ruling that performers appearing in concert hall or hotel ballrooms need not be regarded as "employees" of radio station which may be carrying the program was handed down Monday (16) by Col. Philip B. Fleming, administrator of the Wage and Hour division.

Performers broadcasting direct from the studios are considered employees of the station, Fleming said, even though they appear on maintaining programs, but singers, musicians, etc., who are compensated by the hotel, concert management or other outside individuals cannot be placed in this category. In other words, broadcast stations are not required to observe the wage-hours laws in the latter instance.

All performers operating from the home base are covered by the wage-hour act, Fleming decreed, even if the station "does not compensate the performers," but merely permits the performer to use the facilities of the broadcasting station to publicize the talents of the performers in the hope that such performers will thereby secure employment.

Washington, Sept. 17. With an average of \$63.03 per person per week, the three major networks footed more than one-third of the radio industry's bill for labor and personal services (disregarding talent) last year. Survey by the F.C.C. shows total radio payroll for 1939 was \$51,620,305.

The webs shelled out \$13,651,074 to approximately 4,200 executives and regular employees, with 705 stations amounting \$37,969,231. Average wage of the station help was \$41.94, with employees getting \$30.64 and the execs bringing the typical figure up more than \$5. Network employees were better paid, getting \$58.19 while brass hats pocketed \$230.49.

The typical income for administrative heads was \$109.74 in stations and \$381.73 in the webs. Technical execs drew \$54.12 and \$161.86, respectively. Comparative figures for other execs were: Program, \$56.42 and \$185.70, commercial, \$84.80 and \$214.04; publicity, \$56.13 and \$143.75.

Technical Help Tops
Highest averages among employees went to research and development technicians in the individual stations and to staff musicians and time salesmen in the webs. Comparative figures for various classes were:

	Stations	Net. works
Research and development	\$54.03	\$61.57
Operating	38.85	65.28
Program		
Production	39.00	55.87
Writer	32.40	64.74
Announcers	32.52	65.54
Staff musicians	47.53	123.90
Other artists	43.92	83.43
Commercial		
Outside salesmen	48.50	121.23
Promotion and merchandising	42.11	47.79
General and Administrative		
Accounting	30.37	42.84
Clerical	20.73	25.54
Stenographic	21.73	26.30

The above figures cover only full-

(Continued on page 39)

Cough Soother's Spot Campaign On 40 Stations

Smith Bros. (cough drops and syrup) will have a spot campaign running this fall. J. D. Trencher & Co., agency on the account, is lining up the stations for late October or early November starting dates. List may take in about 40 stations.

It will be news periods, spot announcements, daytime participation programs, or what have you.

Connie Boswell Will Air for St. L. Brewer

St. Louis, Sept. 17. Connie Boswell has been inked for a p.a. on the Alpen Brau (Columbia Brewing Co.) program over KMOX every day she is in town while appearing at the Chase Club, swank west end niter. She will solo with Ben Feld's KMOX orch., the Harmonettes and Freddy Bege-mann, tenor.

Her niterly stint begins Friday (20) and probably will continue for two weeks.

Craig West to Record Rexall's Name Program

Walter Craig, of the Street & Finney agency, goes to Hollywood this week to record the Rexall series. Cast will include Ken Murray, Kenny Baker, David Brokeman's orchestra with 22 men, the Four-some, James Wallington and Harlow Wilcox.

Programs will plug Rexall's One-Cent sales, which take place the week of Oct. 30.

WYTHE WILLIAMS

Comment
15 Mins.
AMERICAN SAFETY RAZOR
Tues., Thurs., 8 p.m.; Sun., 7:45 p.m.
WOR-Mutual, New York
(Federal)

With the war increasing in tempo and intensity day by day, commentators are growing even more compelling attention-getters for radio. One of the strongest of the crop is Wythe Williams, who after an extended run over Mutual as a sustainer, started last week over a 93-station hookup three times a week for American Safety Razor, plugging its Star blades. Initial stanza as a sponsored editorializer was meaty and absorbing, anything but cheering to those who fear and loathe Hitlerism, and packed with provocative and illuminating material.

Continuing to stress his reputation for scoops which he gained as editor of the *Greenwich (Conn.) Times*, Williams didn't bother with the routine news of the day, but offered information from 'my own sources' about the specific extent and location of air-raid damage to London and the chances of England successfully beating off or withstanding the Nazi assault. It was grim stuff, but he said at the outset that he 'couldn't be optimistic and still be frank'.

Latter portion of the broadcast dealt with the man Williams regards as France's coming man-of-the-hour, Gen. Charles Huntziger, new minister of war in the Vichy cabinet. Also commented on 'confidential reports' about Moscow's Balkan aims, whether or not the Nazis have obtained the much-touted U. S. bomb-sight, and wound up with a teaser about his next program revealing Hitler's plans. He speaks directly, forcefully, stumbles slightly on occasion and, when caught (10), used up his voice before getting through the program.

Commercial used an obviously-inserted mention of a red-bearded Russian as a springboard for the blurb about Star blades, which are better, cheaper, etc. Hobe.

'HAVE YOU MET ANNETTE?'

15 Mins.
BBC, London
Idea back of this one forms a neat base. Annette puts through a call to boy friend in the army, sings him a tune, tosses in a quip, feeds a couple of his favorite discs, and indulges in some homely philosophy while recalling happy times together. Wonder is whether the boys won't desert pronto and head for a pair of open arms.

Since there's discs around, Annette might lay off the vocal or get a better stand-in.

ROBERT L. RIPLEY

With Linda Lee, Ted Jewett, B. A. Rolfe Orch.
30 Mins.
ROYAL CROWN COLA
Friday, 10 p.m.
WABC-CBS, New York
(B. B. D. & O.)

Ripley's radio version of his 'Believe It or Not' features is the same this season as last. It revived last Friday (13), again for Royal Crown Cola and with Linda Lee as vocalist, Ted Jewett reading the commercials, B. A. Rolfe's orchestra supplying the musical interludes and Ripley himself as m.c. There were also the usual 'Believe It or Not' guest dramatic spots.

Under the circumstances, then, there's little to say about the show. It has proven itself a radio click and, on the basis of this season opener, started off to a comparatively smooth start. There were a few lapses, a couple of which were apparently due to the guests' unfamiliarity with the mike and the others caused by Ripley's speech stumbles. But the show kept moving and retained interest throughout. Miss Lee, still unaccountably given only a single number, whacked 'Great Day Coming Manana' for a bulls-eye, and Rolfe's batoning was a standard commercial contribution.

Sponsor is plugging the idea of 'individual taste test' and making an offer that looks kinda hollow from this end of the kilocycles; that is, guaranteeing to refund the 10c. price for two bottles of R. C. Cola if the purchaser doesn't agree the stuff tastes better than any other brand. Since the buyer must send the two bottle tops to Atlanta and pay the postage, the 'guarantee' looks like just one of those gestures. Hobe.

MUSIC LOVERS' HOUR

60 Mins.
SERVICE DRUGS
Mon.-Thurs-Sat., 10:30 p.m. CT
WCFL, Chicago

(Goodkind, Joice & Morgan)
Classical and semi-classical music arranged with a fine feeling for maximum popularity makes a full hour program that must collect an almost fanatically loyal audience. This show is full of ear-pleasing music, not only for just the so-called highbrows, but also for the average public, for the selections played are not the strictly erudite type, but tend towards the popular and more melodious classics and semi-classics.

It is a fine and enjoyable program that must satisfy a large audience. Martin Jacobson handles the announcing job with tact and skill. His introductions are not too lengthy and are in keeping with the tone of the program.

In all, one of the best local programs hereabouts. Gold.

ECHOES OF NEW YORK

Jack Arthur, Kay Lorraine, Josef Bonime, The Edisons, Gas House Boys, Linton Wells, Ruth Lowe
30 Mins.
Sons, Band, Talk
30 Mins.
Consolidated Edison Co.
Wed., 7:30 p.m.
WJZ, New York
(McConn-Erickson)

It's the sixth consecutive season for this local stanza and the underlying intent is still goodwill building among the utility's consumers. Program's latest standby is Linton Wells. His job is to assure the consumers that Consolidated Edison is doing a great job for them; has them always at heart, and how it brings its services to them at the lowest possible cost and with always a thought to the 'American way of life'.

As for the entertainment content of the program, it still reaches back to the early '30s, but with makes for a fairly diverting half-hour. The production is as usual, quite fuzzy. Spotted as guests for the series' return (11) to the air were Paul Wing, one of the original quizzers, and Ruth Lowe, who wrote the current song hit, 'I'll Never Smile Again.' Wing asked questions mostly about New York and gave away cash, while Miss Lowe was interviewed on the subject on how she came to author the number and get it published. Like all such celeb interviews, this one just whiled away a few minutes.

Of the program's regulars, Jack Arthur is still baritoneing when he isn't m.c'ing; Kay Lorraine does ingratiatingly by a torch number; The Gas House Boys ply an easy barber-shop chord on old favorites; the Edisons fill in so-so on choral occasions, and Josef Bonime's contingent gives out some thinly sounding band-accompaniment. Odec.

DAVE LANE

Songs and Chatter

10 Mins.

Sustaining.

Mon.-Fri., 12:35 p.m.

WBT, Charlotte.

Dave Lane packs a wallop not common to local talent. Real name is Eber Lineberger and he is no stranger to radio in this section. WBT, scouting for new personalities, grabbed him from the opposition and is spotting him five days weekly.

A combination Ed McConnell without the smile, and Dwight Fiske without the double entendre, Lane accompanies himself at piano and intersperses tunes with homey, confidential patter. His piano is exceptional and his own song arrangements above par. Added to that is a mike voice with plenty of casual warmth. Just.

PAUL GALICO

Interview
REGAL AMBER BEER
Sunday (8), 7 p.m.
KFO, San Francisco

Sportswriter now visiting in San Francisco faced mike as this week's guest on chatter show conducted by Herb Caen, Chronicle columnist. Revealed poor personality, stumbling over script and making pauses in middle of sentences as though turning page, but, despite that, plus added handicap of Caen's so-called wisecracks, Galico kicked out program of topnotch interest. He had a story to tell and, with a little better help, might have sold it more satisfactorily.

Writer recalled how he got fired as motion picture ed and was tucked away in sports department of N. Y. Daily News by sympathetic friend. Got tired of routine, however, so talked Jack Dempsey into bout at training camp. Wanted to know what it felt like to be kayoed. Learned with profitable results, summary of findings impressing to extent that he was handed column of his own. Also claimed credit for originating Aquacade idea when he staged a water carnival at Jones Beach in '34, with Eleanor Holm and Johnny Weissmuller as toppers. Wound up sesh with note that he's off to South America next month on writing jaunt for *Cosmopolitan* mag. Wern.

OLIVIO SANTORO

Songs

15 Mins.

VOGT'S PHILA. SCRAPPLE

Sun., 5:15 p.m.

WJZ-NBC, New York

(Clements Co.)

Another addition to the Clements nursery. This Philadelphia agency still cleaves to the theory that nothing so soothes and convinces the household as the wavering treble of a performing youngster. In the quarter-hour preceding this column the same agency and account (Modern Food Process) has the little Moylan Sisters. The latter sell Thrivo Dog Foods, while Olivio Santoro, a 12-year-old yodeler, gets out in behalf of MFF's brand of Philadelphia scrapple.

The boy specializes in cowboy ballads. His nasal and pitch are not too hard on the ears. His theme song is 'Yankee Doodle Dandy' and he accompanies himself on the guitar. He even has a verse which glorifies the product and this he yodels twice during the 15 minutes. Announcer also contributes two lengthy plugs. They are of the yum-yum and boy-oh-boy-there's-nothing-like-it type. Odec.

GUS HAENSCHEN'S ORCH

With Thomas L. Thomas, Margaret Damm
30 Mins.; Local
STROH BREWING CO.
Tues., 7:30 p.m.
WJR, Detroit.

Hitting across wide musical tastes, achieving the trick of pleasing both the fanciers of popular and symphonic music, this costly single-station broadcast is starting to bend many ears its way each Tuesday. It's backer, Stroh beer outfit, has taken the rubber off the bankroll.

While the costs come high, results and reaction have been good. For the local flash, the broadcasts are set in the swank Masonic auditorium, but more important are the specially arranged numbers, hitting down the middle aisle of taste for the vaster air audience. Program has the seeming quality note, but the 36 musicians unlimber in their playing to catch the attention of the younger generation as well as the oldsters.

Plus the music, there's baritone of Thomas L. Thomas and soprano of Margaret Damm. At an estimated cost of at least \$4,000 per for the 39-week program, here's a rundown on the type of tunes which went out at the last broadcast: 'Sunny,' 'One Kiss, with Miss Damm vocal; dance tempo but symphonic effect of 'Melody in F'; 'Nichavo' for Thomas' baritone; modern flash in 'Cliribirin'; 'Moon Love' with both singers; 'Naila' and both vocalists again with 'Play Gypsies'.

Commercial are inducted painlessly in a production with plenty of vitality. It marks the entry here of the beer makers into a better type of music, since companies earlier had gone to late hour airings on pop recordings. Pool.

SPEAKING OF SPORTS

Maury Farrell

15 Mins.—Local

Sustaining

Daily, 6:30 p.m.

WAPI, Birmingham

On a tri-station hookup of three Birmingham radio stations, Maury Farrell, WAPI sports spieler, clicked with a new sports broadcast. With the assistance of Bill Terry, WSGN sportscaster, and Leland Childs, WBRC spieler, Farrell fired questions at Le Roy Monsky, ex-University of Alabama football captain, and Harold Helfer, reporter.

Program brought out opinions on prospects for football teams in the Southeastern Conference, with Monsky furnishing the serious view and Helfer the comedy. It sounded like carefully rehearsed stuff, but nevertheless it scored. Wind.

WJSV
WASHINGTON, D. C.
50,000 WATTS
CBS

FOR YEARS: unquestioned leadership in Washington local and national spot programs.

For more information about WJSV, one of the sixteen CBS 50,000 watt stations, inquire of Radio Sales: New York, Chicago, Detroit, St. Louis, Charlotte, N.C., San Francisco, Los Angeles

COLUMBIA'S STATION FOR THE NATION'S CAPITAL

'JOHNNY GET YOUR WINGS'
With Dick Albert, Albert Albert, Paul Clements, Dean Carlton, Jane Allison, Florence Robinson, Kitty Cosgriff, Harry Antrim, Peggy O'Donnell, Lt. John Doerr
15 Mins.
U. S. ARMY AIR SERVICE
Mon., Wed., Fri. 7:30 p.m.
WMCA, New York

This dramatic serial about the training course of U. S. army air service cadets is the first of several similar shows aimed to hypno aviation enlistments. Written, produced and directed by Robert Sloan, under the supervision of Lt. John Doerr, of the Mitchell Field, it's designed to be an educational and unglamorized picture of the life and schooling of a typical air service recruit, from the time he enlists until he is graduated a year later as a reserve officer with rating as a combat flyer.

Naturally such a series has to subordinate some of the personal dramatic element to the description and background of the service. But in this case the factual dose is unobtrusively presented and, as flying is a fascinating subject for most earth-bound dialers anyway, it provides an entertaining show. On the stanza caught last Wednesday (11), the two principal characters, self-reliant Johnny and nervous Bill, go to Mitchell Field for medical examination and then wander about the grounds to absorb the atmosphere. That didn't offer a chance for any femme dramatic angle, nor any of the intriguing aeronautical lore that will follow when the story actually gets off the ground, but it was skillfully scripted and presented.

Due to obvious budget limitations, the production is extremely simple, with waxed musical bridges and little attempt at sound effects. But except for one insufficiently emphasized cross-fade, the performance was well paced and expressively played. Dick Albert and Albert Albert were the two leads, Dean Carlton was an army doctor, and Paul Clements a sergeant. Other regulars in the cast include Jane Allison, Florence Robinson, Kitty Cosgriff, Harry Antrim and Peggy O'Donnell. Lt. Doerr announces and reads the recruiting blurb. Sloan and the cast work gratis, and the station contributes the time. Hobe.

'TROJAN HORSES'
Albert Brandt
15 Mins.
Sustaining
Tues.-Thurs., 8:15 p.m.
WMCA, New York

A German refugee, Albert Brandt, is doing an excellent service to the country of his adoption by exposing the 'Trojan Horses' within our gates. In this series on WMCA he is taking up one by one the activities of persons he alleges are 'fifth columnists,' naming names, dates and places and pulling no punches.

First two talks were on Nazi propagandists who work under the frock coat of religion. Last Thursday (12) he spoke on George Edward Deatherage, head of the Knights of the White Camellia. Terming Deatherage a 'big frog in the pool of un-American propaganda,' Brandt quoted documents to show that Deatherage 'thought democracy has failed and what the United States must have is a type of government which will take lessons from Adolf Hitler.'

Talk was well-documented throughout and, although not exactly revealing Deatherage's methods, succeeded in strongly impressing listeners with Brandt's intimate knowledge of his subject. Some parts of his expose in fact, in which he quoted what must have been some very personal conversations at great length, raise doubt as to whether he was hiding under official beds or is applying a liberal dose of imagination. For instance, a talk between Deatherage and Baron Ulrich von Gienanth, second secretary of the German Embassy.

Brandt's delivery is marked by sincerity, but is dominated by his German accent. It's not difficult to understand him, however, even in his effort to make his already dramatic script more so. However, his voice is extremely high-pitched and there can be no doubt the excellent material could be more effectively delivered by a deeper, clearer, more authoritative voice. Herb.

VICK'S SHOW-SHOPPING

Hunts Thrice-Weekly Program to Go Over NBC's Coast Red

Hollywood, Sept. 17. Thrice weekly quarter-hour programs are on Vick's shopping list for Oct. 7 start over NBC's Coast red network.

Choice may fall on variety, novelty or script shows.

'THOSE WE LOVE'
With Donald Woods, Nan Grey, Alma Kruger, Richard Cromwell, Oscar O'Shea, Virginia Sale, Ann Todd
30 Mins.
PROCTER & GAMBLE
Monday, 8 p.m.
WABC-CBS, New York
(Kastor)

Agnes Ridgway's solid serial returns for its third season, this time in the 8-8:30 Monday night spot on CBS opposite the Standard Brands 'I Love a Mystery' (resuming Sept. 30) and Bell Tel's James Melton-Francia White series. That's tough competition, but 'Those We Love' is a proven draw and should lasso a respectable share of the available listeners. Drama has a new sponsor this season, Procter & Gamble bankrolling it for Teel. Previous backers were Ponds and Royal Desserts.

Essentially, 'Those We Love' retains the same formula as before. It's still the pleasant New England family of father, Aunt Emily, daughter Kathy and her twin brother Kit, cook Martha, Kathy's sweetheart Doc, Leslie Foster, the latter's young daughter, his housekeeper and sundry assorted supporting characters. Situations have come and gone during the two seasons the show has been on the air, but the basic situation remains the same. Kathy and young Dr. Foster are perennially

heading toward marriage, but if they ever make it the listener rating will take a drop, so it's a cinch that's one wedding that'll remain merely prospective. Now the medico is becoming involved in a battle with corrupt municipal officials and a villainous slum overlord.

Writing is hardly literature, but it's literate slick mag stuff, with a shrewd sense of character and an amiability that should pass for humor. Nothing that's said or done is actually funny, or even amusing, but the characters engage in an affectionate sort of banter and laugh a lot. Show originates in Hollywood, with Gordon Hughes, a Chicago refugee, as producer-director. Donald Woods is excellent as the young doc, although he's occasionally a trifle slow picking up cues. Nan Grey is a properly tremulous heroine; Alma Kruger brings her sharp trouping skill to the part of the aunt, while Richard Cromwell, Virginia Sale and the others provide satisfactory support. Film-name leads should continue to attract dialer attention.

Dramatic portion of the program is offered without a break, the only commercials being a brief identification at the opening and the major plug at the close. Blurp on Monday's (16) edition described Teel's qualities as 'beauty in every drop—beauty of teeth and beauty of breath.' Copy is reasonably restrained. Hobe.

MAHDEEN MYSTERY PLAY-HOUSE
30 Mins., Regional
MAHDEEN BEAUTY PRODUCTS CO.
Sun., 4:30 p.m.
WOAI-TQN, San Antonio
(Grant)

From the studios of WFAA in Dallas, riding the Texas Quality Network comes this whodunit on Sunday afternoon which can be listened to by the entire family without any fear of having the dial changed because of too much blood and thunder. More interest could be aroused, however, if format of program could be changed to include possible solutions by home armchair detectives, instead of the solution at end of drama by the Mahdeen Master Detective.

Opening play was subtitled 'Transfer of Guilt,' and had a Dr. Phillip Cole convicted for murder and nearly electrocuted. William Sprague, Master Detective, unraveled the mystery and Dr. Cole got the girl. Flashbacks heightened the drama.

Commercials are for Mahdeen hair tonic and shampoo, and are in good taste. James Alderman handles the commercial announcing, while Ralph Wilson sets the scene and does continuity. Program produced by Louis V. Quince.

All scripts are claimed originals. Andy.

'FIRST NIGHTER'
With Les Tremayne, Barbara Luddy, Bret Morrison, Eric Sagerquist
Orch.
25 Mins.
CAMPANA SALES
Tuesday, 8:30 p.m.
WABC-CBS, New York
(Aubrey, Moore & Wallace)

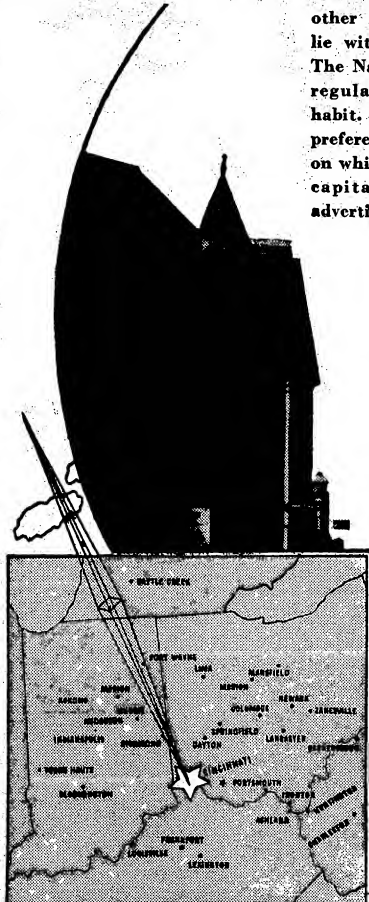
One of the veteran once-weekly dramatic shows on the air, 'First Nighter' is away for a new season for Campana's Italian Balm. On the basis of last week's chapter (10), the stanza is rapidly getting no better. This edition was a prehistoric vintage romance called 'Cupid with a Crown,' by Ralph W. Hunter. Kind of B-picture melodrama treatment of the old Graustark situation, the opus oozed with sentimentality and puerile dialog.

Retained the Broadway 'first night' setup, with the radio drama presented as the evening's preem, against a background of studio-produced auto horns, crowd noises, calls of 'curtain going up' and the like. Piece is in three acts, with commercial spots in the 'intermissions.' Chicago-produced, it is obviously aimed for broad appeal, but overdoes the hype. It positively creaks.

Show, a radio standard, underwent a production setup switch, which may explain something. Hobe.

PRODUCING SALES IN PORTSMOUTH

And it's only natural that advertising messages on WLW should produce sales here, just as they do in the more than a score of other rich trading centers that lie within the primary area of The Nation's Station. WLW is a regular Portsmouth listening habit. The resulting consumer preference is a very tangible factor on which Portsmouth merchants capitalize by pushing WLW-advertised products.



PORTSMOUTH, OHIO

Three hours from Cleveland by train but eight seconds by WLW.

Population—1930	42,500
Radio Sales—1939	\$17,228,000*
Wholesale Sales—1939	\$10,401,000*
Per Cent of Nation's Buying Power	10.24%
(Trading Area)	
Radio Station—1939 (Edison County)	18,446
*Estimated by SALES MANAGEMENT.	

REPRESENTATIVES: NEW YORK—Transamerican Broadcasting and Television Corp., CHICAGO—WLW, 230 N. Michigan Ave., SAN FRANCISCO—International Radio Sales

WLW

means business in Baltimore

THE NATION'S

most Merchandise-able

STATION

Fizdale Organizing Radio Eds For Philco Oscar Awards, But Scripps-Howard Opposish Seen

Tom Fizdale publicity outfit has undertaken to organize the radio editors of the country into an association with the primary purpose of putting over a promotional stunt for Philco Radio. Opposition to the project is anticipated from the Scripps-Howard chain and other publications since the stunt encompasses competition to the program popularity polls conducted by these publications annually.

Formation of the radio eds into an association would be essential to the execution of the Philco promotion. Idea, as sold to the set manufacturer by Fizdale, entails the setting up of a 'Philco Radio Academy Award,' fashioned along the lines of the annual distribution of 'Oscars' by the Academy of Motion Picture Arts and Science. Whereas the latter awards are determined by workers within the industry, the Philco recognitions would come, as is the case of all present polls and radio award stunts, from outsiders.

Selection of winners of the Philco awards would be done by vote of the radio eds in the association. The presentations, accompanied by the hoopla of a dinner in New York, would be so timed as to precede by a month or so the announcement of the New York World-Telegram's annual poll. The radio eds would have their local tie-ups. Prizes would be given to readers who guessed the names of the local eds' selections. The World-Telly is the N. Y. Scripps-Howard outlet.

As preliminary to the promotional stunt Fizdale a couple weeks ago summoned to New York a representative group of radio editors and suggested the formation of an association. The radio eds some years ago had some sort of an organization of their own, but it never amounted to much in either number or function. Since the N. Y. meeting, Jack McManus, of PM, has addressed a letter to radio eds countrywide, urging membership in the proposed association. Fizdale handled the advance ballyhoo for PM on the radio end.

Bridgeport.—George Fisher joined WICC news staff when Larry Gruza was called to service by Connecticut National Guard.

Iowa Football Games To Plug Dairy Products

Des Moines, Sept. 17.—Broadcasts of Iowa State college and the University of Iowa football games this season will be the major advertising and publicity activity of the Iowa dairy industry commission. The commission has set aside \$32,000 of its funds for a dairy products publicity campaign within Iowa.

The Iowa State games, both at home and away, will be carried over WOI at Ames, and the Iowa University games, both at home and away, will be over KRNT-WMT, Des Moines. Iowa State night games will not be broadcast, but other Missouri valley conference games will be filled on those dates.

ET Mrs.' Brief Asks FCC to Give 'Em More Dignity

Hollywood, Sept. 17.—Electrical Transcription Mrs. of Hollywood is filing a brief with the Federal Communications Commission in connection with the network monopoly report. Brief, as prepared by the manufacturers' counsel, Ben S. Fisher, opposes the requirement that a transcription announcement be made before each transcribed program and 15 minutes thereafter including the close.

The ETMH contend that the quality of transcriptions is now superior to network broadcasting and equal to studio production, and as such should not be placed under a special stigma any more. Though the manufacturers would prefer to have the mandatory announcements eliminated altogether, they would as an alternative have the announcement carried only at the end of the program regardless of length. No mention was made in the report of network operations in the transcription field.

Milton Cross New M.C. On Imp'l Tobacco Show

Montreal, Sept. 17.—Milton Cross will m.c. the new 'Light Up and Listen' series (transcriptions) for Imperial Tobacco returning to Canadian Marconi station CFRC and group of selected stations beginning Sept. 23.

Programs are produced by Vic George at the NBC studios in N. Y. Cross is a newcomer to the series. Among others to appear on the programs this season are Ramona and The Revelers.

FCC HEAD COLD ON FOREIGN LINGO BAN

Washington, Sept. 17.—Repeated suggestions that the Government should ban foreign-language broadcasting—in order to remove any danger of fifth columns and subversive agitation through alien spieles—were given cold reception yesterday (Monday) by FCC Chairman James L. Fly.

Gossip that the Justice Department fears foreign governments are spreading menacing propaganda via stations putting on programs in alien tongues was a surprise to Fly, who said he does not feel any station should be used for a special cause, but still doubts the wisdom of adopting an English-language-only regulation. While it would be simple to impose such a policy and thought has been given the idea, the FCC head reasoned that a step of this sort would be unfair and might have undesirable consequences. Fly indicated agreement with Federal officials who think any such move would cause non-citizens to be resentful and stir up trouble rather than reduce dangers from alien groups.

Pontius Quits WREN

Kansas City, Sept. 17.—Ernest Pontius resigns from commercial manager of WREN, effective Sept. 15. He goes to the Lawrence Daily World to take post of advertising manager. Makes change after 13 years in the chair at WREN.

Veri Bratton, g.m. of WREN, is handling the commercial department temporarily.

From the Production Centres

IN NEW YORK CITY

Vincent Connolly announcing the Wythe Williams series over WOR-Mutual for American Safety Razor.... Eddie Oliver orchestra remoting over Mutual from the Hotel Stevens, Chicago.... Pat Barnes is off 'I'll Never Forget,' True Story mag's dramatic series.

Herbert L. Pettet, WHN head, made his mike debut last week over his own station.... Virginia Peine set for several dates on 'Short, Short Story,' which Paul Stewart directs.... Clifford Goldsmith, 'Aldrich Family' author, was one of the judges who picked 'Miss America' last week at Atlantic City.... Joe Bier, early morning announcer over WOR, celebrated his tenth anniversary with the station Sunday (13).... Nino Martini, Vivian Della Chiesa, Hilde Regglana and Robert Weede to be guests on Antonioni concert series over WOR-Mutual this season.

George Ambro, announcer on 'Young Widder Brown' series, vacationing in West Indies.... Charita Bauer back in 'Orphans of Divorce' after several strawhat engagements and summer drama course at Harvard.... Eltie Palmer, also of the 'Orphans' cast, doubled last week on 'Death Valley Days' and the 'Hour of Charm'.... John's Other Wife' five years old and 'Waltz Time,' eight years old, this month.... both are Frank and Anne Hummert shows.... Boyd Crawford back with 'Amanda of Honeymoon Hill' after summer theatre sessions....

Helen Hayes' first program (Sept. 29) for Lipton Tea on CBS will be titled 'Victoria and Albert.' Material is from the same sources as her stage play, 'Victoria Regina,' but the air stanza will confine itself to the Regent's love story.... Young & Rubicam has been offered a 'Pot of Gold' idea with a different band each week by MCA for Half 'N' Half tobacco....

Julius J. Colby, play reviewer on WMCA, N. Y., distributes in lobbies and backstage at premieres cards reminding that the opening will be commented over the station at midnight.... Merry Macs step out of the Al Pearce show on the Coast Oct. 4 and return immediately to New York. Team is remaining long enough for retakes on Paramount's 'Love Thy Neighbor'.

Andy Sannella, conductor of 'Manhattan Merry-Go-Round,' was bedded one day last week as a result of a chill caught when he went overboard while cruising in his 74-foot sloop in Long Island Sound.... His dog fell over the side and Sannella jumped in to rescue it.

'Show of the Week' (Mutual) has Milton Berle, Lou Holtz, Mitzl Green, Bert Gordon and George Jessel lined up as guests for the first successive five weeks, starting Sept. 29.... Peen-a-mint's 'Double or Nothing' quiz which starts over the same network on that date will have Walter Comp-ton as m.c. and Frank Forrest, film player and tenor.

IN HOLLYWOOD

Lux pay earned by Gary Cooper and Myrna Loy has been earmarked for the Red Cross. Full \$5,000 donated by each of the stars, agents having waived their bite.... Harrison Hollway bought a home in the Hollywood hills and immediately christened the adjacent elevation Mt. Hollway. A stone's throw away is Mt. Lee, named after the founder of the Don Lee chain.... Dorothy Lamour's chants will be heard weekly on Kraft Music Hall until Bing Crosby returns from his sabbatical Nov. 21.... Opening Screen Guild show on Gulf Sept. 29 will have Margaret Sullivan and James Stewart registering their roles in 'Shop Around the Corner'.... Irene Rich has the final say-so on material for her new 'Dear John' serial for Welch grapejuice under provisions of new pact. She finished off the five weeks of her last stanza without benefit of legal instrument.... Mel Williamson to Chicago for production duty with Russell M. Seeds.... Leith Stevens will again direct the music on Edward G. Robinson's 'Big Town'.... Lewis Allen Weiss to Chicago for Mutual board sesh and then on to New York on Don Lee biz.... Jose Rodriguez, KFI-KECA editor, teaming with Sidney Sutherland on a sponsored commentary program over KFI five times a week.... John B. Hughes, commentator, and Shafter Parker's Circus now on the Don Lee coast chain for Langendorf bakeries.... Wires were crossed on the move at Coconut Grove. Mutual-Don Lee's went in and NBC's came out.... Charles Bullotti, Jr., in from the east to prepare production of Tommy Dorsey's musical quizzer for Nature's Remedy. He was onetime producer at KHJ and more recently did some special jobs at the Frisco Fall.... L. D. Milligan of Blackett-Sample-Hummert going over the details of Oxydol drama series with Arch Oboler.

IN CHICAGO

Henry Cooke, from WBOW, Terre Haute, and Dave Garroway, from KDKA, Pittsburgh, added to announcing staff of NBC here.... Edith Perry, free lance other performer, scored with agency men and producers last week with a novel piece of direct mail personal advertising.... Malcolm Claire publishing a book tagged 'Tune In Again—With Malcolm Claire'.... Raymond Morgan, head of Coast office of Goodkind, Joyce & Morgan agency, flew to Albuquerque to confab with Lew Goodkind.

Sylvia Clark, vaude and other comic, joined NBC cast of 'L'I Abner' show.... Other cast additions around town include Mal Meacham, Sherman Marks and Luise Barclay into 'Backstage Wife'; Amos Jacobs, Lou Krugman and John Hodiak into 'Thunder Over Paradise'.... Lew Valentine (Dr. I.Q.) for the first time in his Mars candy travels is taking his family with him, moving them into New York instead of commuting to Chicago.... William Bent added to WBBM transcription staff as assistant to G. M. Clare.... Les Mitchell, of Columbia-WBBM, will handle the stop-watch on 'Design for Happiness' show over CBS for Libby-Owens-Ford, which is sponsoring the Chicago Women's Symphony Orch., set by the Chicago office of Columbia Artists, Inc.

Cushion For Fall Business



Every comprehensive survey has given proof that WBBM leads all stations in the nation's second market. WBBM leads in audience, in dealer preference, and in advertising volume.

Wise advertisers know, too, that only the leading station can deliver the most efficient advertising results... that in Chicago WBBM produces maximum sales per advertising dollar.

And why should you be on WBBM right now?

Here's why. Here's SALES MANAGEMENT'S forecast for our whole area, a market comprising one-tenth of all the nation's radio homes. Right now, and in the months to come, our area is the velvet, the profit cushion for all fall business.

Call us for more specific details.

INCOME FORECAST MAP

New States Will Compare with Nation in Estimated Efficiency
Buying Income as Against State Per Capita Last Year



WBBM

50,000 WATTS • CHICAGO

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New York Detroit St. Louis Charlotte, N.C. San Francisco Los Angeles

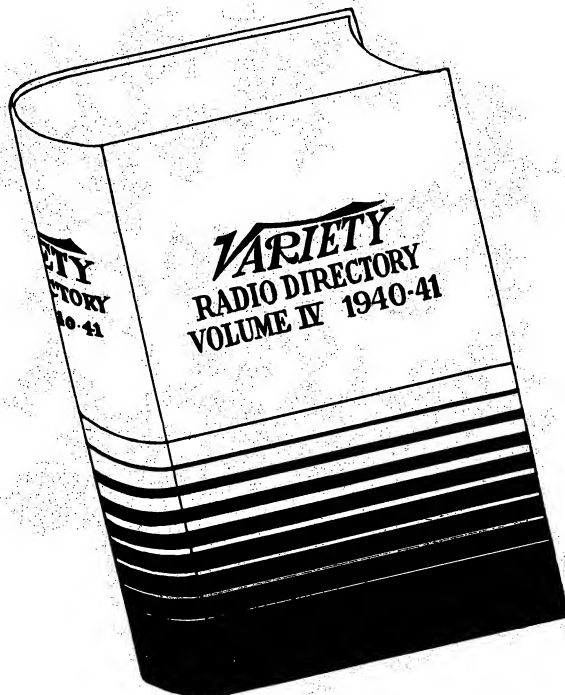
Lively
Showmanship
WINS LARGER AUDIENCES
in the
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The POPULAR Station
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**NBC
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\$5
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Order Your Copy Now!
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VARIETY RADIO DIRECTORY

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Please send.....copies of VARIETY RADIO DIRECTORY
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Name

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CityState

FirmState

CJRC, Winnipeg, and CJRM, Regina, In 3d Administrative Switch in Yr.

Winnipeg, Sept. 17.

Forecast for several months as the logical alignment of Western Canadian stations: CJRC, Winnipeg, and CJRM, Regina, owned and operated by the Transcanada Communications, Ltd., of Winnipeg, have now come under the supervision of the long established Taylor, Pearson & Carson, Ltd., of Calgary. This marks the third change in the administration of these stations during the past twelve months.

Taylor, Pearson & Carson are station operators linked with All-Canada Radio Facilities, Ltd., station representatives. Both are headed by Harold Carson and both have their head offices in Calgary. This makes the united group one of the strongest and most influential organizations in the country.

Over the previous year the two station setup of CJRC and CJRM have steered a pretty jagged course, with more plans made and junked than centipede has legs. First move of note was the appointment of Vic Nielsen, of CFCF, the Canadian Marconi station in Montreal, as general radio manager for James Richardson & Sons, Ltd., grain merchants, then owners of the two outlets. April of this year it was announced the Richardsons had sold out both stations to the Armadale Corp., holding company for the Sifton Bros., owners and publishers of three big western dailies, Winnipeg Free Press, Regina Leader Post and the Saskatoon Star-Phoenix. This organization already had a toehold in radio by owning and operating CKCK, Regina. This station has been represented for several years by the All-Canada group.

Apparent reasons behind this latest move of the Transcanada group would seem to be twofold. First, a possible shortage in radio executives due to the war and its associated drain on manpower, and second, a general all-round strengthening of the Sifton stations through their affiliation with other leading stations managed and represented by the TPC and All-Canada organizations.

Shakeups Expected

While it has been announced there will be no replacements in staff, it is highly probable there may be some internal rearrangements and transfers. First important change in this direction comes about this month with Frank H. 'Tiny' Elphicke,

manager of CJCA, Edmonton, coming east to take over the reins of CJRC, Winnipeg. Elphicke's post at Edmonton is being filled by Gordon Henry, manager of CFAC, Calgary, while Nielsen goes west from CJRC to take over CFAC in place of Henry. Fred Scanlon, up till now a supervisor of CJRM, Regina, assumes full responsibilities as manager. Reason for these changes would seem to be calculated to bring the affected new member stations into line as soon as possible.

In addition to these changes American and Canadian representation are also in the office or completed. All-Canada of course drops its affiliation with the Manitoba government-owned station, CKY, Winnipeg. This station, along with its sister station, CKK, Brandon, has now set about the task of building its own commercial department. Tony Messner, former salesman for All-Canada, has been made commercial manager. P. H. Gaynor now becomes a dual personality, doubling as Winnipeg manager for All-Canada and commercial manager of CJRC, Winnipeg. John E. Lowry and Bill Backhouse, heads of the Manitoba Telephone System and CKY, respectively, are still absent from the city completing arrangements for representation. They are expected back by the beginning of the week.

Last Year a Blank, This Yr. Philly's WFIL Has Full Pigskin Diet

Philadelphia, Sept. 17.

WFIL, which drew a total blank as far as football games were concerned last fall, is up to its ears in pigskin this season.

Latest batch of football commercials to fall into WFIL's lap this semester are the broadcasts of 10 games of the Philly Eagles, pro team, bankrolled by the Atlantic Refining Co. The games were aired last year by WCAU. Play-by-play will be handled by Byron Saam, WIP sports gabber.

In addition to the pro grid airings, WFIL is broadcasting seven college games (Temple and Villanova) for Atlantic.

Don Lee Equipping New Tele Plant; W6XAO Mutes

Los Angeles, Sept. 17.

Don Lee's W6XAO is suspending programming for 90 days during installation of equipment at the new television studio atop Mt. Lee overlooking Hollywood.

Harry Lubcke, tele head of the network, is supervising work on the new layout, which will be in operation around first of the year.

South American Goodwill Series Via CBS Clicks

Rio de Janeiro, Sept. 17.

Success of experimental radio short waves broadcast by the Brazilian Department of Press and Propaganda in cooperation with the Columbia Broadcasting System is likely to lead to an extended series of future programs, officials revealed this week. Value, not only in prestige which brings tourist dollars, but in good will which even pro-totalitarians here are beginning to appreciate, is evidenced.

First effort, relayed by 120 U. S. and 75 Canadian stations in July, was excellently received. Made up mostly of selections of Brazilian music arranged by Radames Gnattali and played by an orchestra conducted by Romeu Chipman, it was fast and melodic. Second was a bit more serious. Included a recital by the Brazilian pianist Christina Maristany, accompanied by a violin quartette.

RADIO COPY ACT

I.G.A. Stores Sponsoring on WTMJ, Milw., Replica of Rival Chain's Show

Milwaukee, Sept. 17.

Evidently inspired by the National Food Stores' 'Cartune-O' program, the I.G.A. Stores, an opposition grocery chain in this territory, has launched an exceedingly similar type ballyhoo called 'Winsom' on WTMJ for a 26 weeks' series of half hours.

Practically only difference is that less cash is given away as followup 'grand' prizes, \$25 being the top amount I. & A. hands out.

Inside Stuff—Radio

Candidate Willkie's opening campaign speech at Coffeyville, Kan., Monday night was by far a smoother article over the radio than the acceptance event at his home town in Elwood, Ind. For which the GOP owes a vote of thanks to Eddie Cantor, strong Roosevelt supporter. So as not to repeat the Elwood blunder, when only one mike was set up to catch the applause from a crowd of around 200,000, Vick Knight was approached to handle the radio setup. Being under personal contract to Cantor as producer of his airshow, he sought permission of the comedian to do the job, which was granted pronto. Understood that Knight set up more microphones in the crowd than Bill Bachner ever used, which means more than 14. At Elwood the lone mike picked up the applause of about 5,000, which irked the GOP board of strategy no little, ergo the call for the radio specialist.

When NBC in Chicago paged Dave Garraway, ace KDKA, Pittsburgh, speaker, for an announcer's berth in midwestern metropolis, he asked network execs to hold back his appointment until last Friday (13) because he's always considered that his lucky number. Garraway was born in Schenectady, N. Y., July 13, 1913, at 13 Van Buren street in the 13th precinct of the city. The time was 1 p. m., or 13 o'clock. Garraway, a former NBC page boy in New York and graduate of Pat Kelly's school for announcers there, joined KDKA staff in March, 1938, and a year later was given H. P. Davis Memorial Award as best announcer. Pittsburgh.

Fulton Lewis, Jr., commentator for the Mutual network, took a day off last Tuesday (10) and asked Edward T. Flynn, National Democratic Committee chairman, to sub for him. He was only too glad to take over his quarter-hour period and forthwith sailed into Candidate Willkie with much gusto. That put the chain in the middle when the GOP got wind of it. So tomorrow night (Thurs.), Joseph Martin, Republican campaign sparkler, gets a free ride on Mutual and two shots on KHJ, which repeated Flynn's tirade via transcription.

Metro reckoned without National Assn. of Broadcasters when it circulated radio stations with a free offer of discs carrying scenes from M-G pictures as indirect plugs. In last week's issue of NAB Reports, station members were told that such service commanded the full card rate. Station owners haven't got over that slight from the film companies in a Greater Movie Season campaign, in which all coin was spent with newspapers and none doled out to the frequencies.

Although Russ Columbo has been dead for six years, the singer still has a sizable following. That was indicated on the anniversary of his death last week, when Stan Shaw received a number of requests for Columbo records on the 'Milkman's Matinee' over WNEW, New York. Fact that Shaw had the platters on hand was further evidence that there is a steady demand for them.

Since the advent of those musical spot announcements in Pepsi-Cola's radio campaign, the latter's delivery trucks have been equipped with air horns which give out a warning to pedestrians in the same tune. Sirens reproduce the notes to the line 'Pepsi-Cola Hits the Spot.' It's the idea of an enterprising horn-maker who offered it to the soft-drink manufacturer soon after the spot campaign got underway.

WCAU, Philadelphia, is grabbing the 'defense billions' publicity by the horns and twisting it to lure advertising dollars to the outlet. A brochure is being mailed to potential sponsors and ad agencies made up of newspaper clippings heralding the fact that \$1,600,000,000 will be spent by the War and Navy departments in the Philly area within the next year.

All radio copy being sent out by the Democratic National Committee has the notation 'pronounced Rose-Velt' after the first mention of the President's name. Johnny Johnstone, radio director for the committee, making the interpolations to avoid the usual conglomeration of pronunciations.

WINS, New York, has issued a new rate card effective immediately. It is described by the station as standardizing the rates and, without increasing them, making them more flexible and simple. Cecil H. Hackett is the new manager of the station.

How radio stations are named: Looking for tag for his new Bridgeport, Conn., broadcaster, Harold Thomas saw package of NABs, National Biseuit product. Now Bridgeport awaits WNAE.

Lux Radio Theatre (CBS) got a CAB rating of 25.4 for its opening broadcast of the season (9). In 1939 the initial program registered a rating of 21.6.

Ted Husing's Sports Quiz Moving to Later Time

CBS' 'Choose Up Sides,' sports quiz m.c.d. by Ted Husing, will not be aired this week and on returning Thursday, Sept. 26, will occupy 10:15 p.m. spot. Had been broadcast at 8:30 p.m.

Originally it was a Sunday afternoon feature, with Henry McLeMure, sports editor of United Press, in the question seat. Caswell Adams, of the N. Y. Herald-Tribune and Arthur Mann, sportswriter for magazines, permanent captains of teams.

Music for ELLERY QUEEN

Composed and Conducted by

LYN MURRAY

Mgt. COLUMBIA ARTISTS, Inc.

BECAUSE OF WHAT THEY

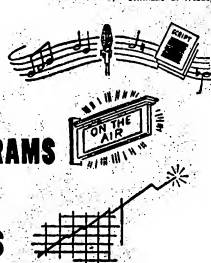
CAN DO WITH THESE

WKY PRODUCES PROGRAMS

THAT PRODUCE SALES



ALLAN CLARK, CHARLES C. WILEY, RAY BUFFUM, JULIE BENHELL



• The same tools and raw materials are available to radio stations everywhere. But whether their use results in a mediocre bit or a masterpiece depends on the talent, skill and craftsmanship of those who use them.

Because of what WKY's staff of extraordinarily talented and experienced radio craftsmen can do with these tools and materials, a WKY-built program is on a par with the best. Good examples have been heard coast-to-coast for almost two years over NBC-Red. Current origination is "Southwestern Serenade" heard Sundays at 2 P. M., E. D. S. T.

A sure-fire way to put extra life into your sales in

Oklahoma is to let WKY put life into your program. A live WKY program, custom-built for Oklahoma and your selling plans, will do it!

WKY

Oklahoma City • NBC Affiliate • 900 Kc.

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

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR

FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap 99% pure

LISTEN TWICE DAILY

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

IN . . . 5:45-6 P.M., EDST

COAST TO COAST

DR. COMPTON ADVERTISING AGENCY

MGT. ED WOLF—RKO BLDG., NEW YORK CITY

AFRA-Webs' Mediation

Continued from page 21

day's meeting, when William H. Davis, Mediation Board chairman, offered the services of his group in an effort to avert a strike. But even as it accepted the mediation offer, AFRA's N. Y. membership empowered the union's national board to call a strike if it deemed such action advisable. Vote was more or less academic, however, as the board promised that before taking any final action either to accept a compromise or call a strike, it would report back to later membership meetings.

Membership meeting in N. Y. was well attended. It turned out to be an unexpectedly hectic session, a small faction vociferously opposed the idea of a strike. Some were against it on the ground that increased wage scales for sustaining programs are unjustified, others because the outcome of a strike would be too risky. There were some hot exchanges between officials and members, and also between individual members.

Stormiest moment came when a

member spoke of strike action being "railroaded" by the national board. George Heller, national treasurer and associate executive-secretary, thereupon made an angry statement that the union has always been democratically run, that the board has acted conscientiously and wisely, and that "nothing has ever been railroaded through since AFRA was formed." Alex McKee, president of the N. Y. local, presided at the three-hour session.

What the chances are of a compromise agreement at the current network-AFRA mediation meets is a question. In the final sessions last week before the Mediation Board stepped in, both sides were adamant and no progress toward settlement was made. Nearness of a strike over last weekend, however, is figured to have softened the attitude of both groups. Therefore, both sides were described to be in a more conciliatory mood when the mediation meetings started this week. First session took place Monday afternoon (16) and are to be held continuously until a settlement is reached, or no further progress can be made.

Although it now appears that both commercial and sustaining programs would be affected in case a strike were to take place, pay scales for only the sustaining broadcasts are in dispute. AFRA seeks considerably higher rates, particularly as to pay for rehearsal. Networks have offered what they estimate amounts to a 20% boost. Sustaining code expired Aug. 12 and had already been extended by mutual consent to last Thursday midnight. It will now ride along on the same terms pending completion of the mediation meetings.

Portends Commercial Battle

As a result of the resentment of AFRA members at what they describe as the networks' "strike-breaking" tactics, there is now talk in the union of demanding much more drastic regulation of agents and artist bureaus and more stringent terms for a transcription code. But whether such terms could be obtained is another matter. With the sustaining situation thus remaining involved, the commercial broadcast picture is also nearing a showdown. AFRA's commercial code with the agencies and sponsors expires next February. That will almost certainly involve another tussle.

Another angle in the complicated situation is the widening split between the networks and ASCAP. It is generally observed that by failing to reach an agreement with AFRA, the networks have forced a community of interest between the union and ASCAP. It's doubted if the two organizations can be of much physical help to each other, but they could probably work together to gain public support against the broadcasters and cooperate in various other ways. Spokesmen for both groups, who only a couple of weeks ago expressed indifference to that idea, are now showing keen interest in working out some kind of agreement.

Political Pain

Continued from page 21

the networks agreeing with Willkie's designation of them as political and on that score allowing him free time his Coffeyville date.

Decision of NBC, CBS and Mutual to give Willkie the free half-hour Monday night (16) to answer the Labor Day addresses came after there had been considerable jockeying among the networks. It was unanimously felt that the time ought to be given to the Republicans, but the three webs couldn't decide at first on how the thing should be worked out. The Republicans originally wanted each network to give a half-hour at a different time and there was talk among the three networks of sending some one to Rushville to discuss the subject with the Republican presidential candidate. After considerable telephonic exchange among the network officials as to who should be delegated, the networks put the proposition up to the Republican national committee and the latter agreed to accept a simultaneous broadcast at the time agreed upon by the three webs.

Mrs. Eleanor Roosevelt is slated to broadcast a political talk the night of Sept. 27. The time will be paid for by the Democratic National Committee, but the period and networks have not been designated.

KTAR, Phoenix, Tees Off Upped Power Nov. 15

Phoenix, Sept. 17.

New 5,000-watt transmitter for KTAR, Phoenix, key station of the Arizona Broadcasting Co., currently under construction, will be ready for operation Nov. 15. Outlet recently received an FCC permit to boost its power from 1,000 watts. New setup will include a new building, transmitter, two self-supporting series-towers and directional antenna.

Other stations of the ABC network include KVOA, Tucson; KYUM, Yuma; KGLU, Safford; KWJB, Globe; Miami; KCRJ, Jerome; KYCA, Prescott; KTAR, KVOA, KYUM and KGLU are NBC outlets.

Payroll Traffic

San Francisco.—Lou Keplinger, late of KARM, Fresno, and KVOA, Colorado Springs, is new manager of S. H. Patterson's KSN, replacing William Grove, who has gone to Cheyenne to take charge of the newly licensed KFBC. Also new to KSN staff are Lee Goldsmith, as program director, and Mel Williams, chief engineer.

Des Moines.—Paul Miner, who has been with KSO-KRNT, going to KVOO, Tulsa, to be chief sportscaster. He is the third member of

KSO-KRNT to join KVOO. The others are Ken Brown, sales manager, and James Randolph, chief continuity writer.

Pittsburgh.—Ed Bartell has joined WCAE staff as featured singer with station's staff band, the Airliners. He'll share vocal chores with Jeanne Baxter. Bartell has been singing at Enright theatre for last two years.

Charlottesville, Va.—Ed Hase has rejoined the staff of WCHV.

CAN RADIO SELL HOUSES?



"Yes" says WJSV. and sells 110 houses for a half-million dollars!

THIS Spring, WJSV brought together a group of twelve building material manufacturers, builders and developers. Plans were laid to build immediately five low-cost model homes, throughout Metropolitan Washington. WJSV's popular Elinor Lee put on the air a Saturday and Sunday half-hour participating program, discussing these homes and the building progress, explaining furnishings and financing, describing the various and widely assorted products of the twelve sponsors.

On August 17th, the first completed home was opened to the public. But, long before that—from the moment the ground was cleared—interested throngs had spent week-ends trekking to the sites, watching the building in progress, and talking about home ownership.

Letters from listeners poured in. One contractor-sponsor reports orders many times in excess of the cost of his participation. Another

has, to date, 100 orders for his material, resulting from his participation.

And a land-development company reports that—even before the first finished home was opened for inspection—110 families have ordered houses to be built, following the specifications of the WJSV-model homes! Total value of radio-sold homes: \$485,000!

So tremendously successful has been this development that current sponsors are already talking about repeating the activity—with its happy results—next Spring.

And everyone expects the 110 new home-owners to be multiplied many times over, as interested families see the completed model homes.

So, once again, WJSV demonstrates its unique capacity for sensing a civic need... and doing something about it. And, once again, radio demonstrates its ability to sell—anything that people can buy!

WJSV

50,000 WATTS • COLUMBIA'S STATION IN THE NATION'S CAPITAL

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



Presenting— WWVA Platform

Ladies and Gentlemen!!!

Because this is our initial bow to the readers of Variety who buy radio advertising, we give you the Platform on which we propose to serve you!

- 1.—5,000 WATTS DAY AND NIGHT.
- 2.—50 PRIMARY AREA COUNTIES squarely in the heart of the "Steel and Coal Belt of the Nation". 69 SECONDARY AREA COUNTIES.
- 3.—3,051,400 TOTAL POPULATION in Primary Area of Eastern Ohio, Western Pennsylvania and Northern West Virginia. 6,148,300 Secondary
- 4.—1,998,910 RADIO LISTENERS in primary area. 4,793,580 Secondary area.
- 5.—MAIL RESPONSE FROM 2,450 TOWNS in Ohio, Pennsylvania and West Virginia during 1939.
- 6.—ONE OF THE NATION'S GREATEST PERSONALIZED RADIO OPERATIONS.

C. B. S. Affiliate

John Blair Co., Representative

WWVA
WHEELING
WEST VIRGINIA

GOV'T BOARD TO CONTROL RADIO IN EVENT OF WAR SEEN IMMINENT

FCC Chairman Fly, However, Assures Broadcasters no Interference With Private Enterprise Is Contemplated—Industry Denied Representation

Washington, Sept. 17. Creation of coordinating and planning board of Federal officials—which broadcasting industry leaders hope will be only another of those inter-departmental committees—is expected momentarily in connection with the preparedness hullabaloo. Executive order from President Roosevelt may be forthcoming at any moment, following last week's huddles between NAB

and FCC Chairman James L. Fly.

Original dissatisfaction of the industry group has disappeared, with Fly repeating previous private and open assurances that the Government does not contemplate interfering with private enterprise, although some traces of continuing uneasiness still are visible among veteran observers who know how often pledges can be forgotten when some "emergency" occurs.

The board, which presumably will include representatives of four or five departments along with the FCC, is to map out policies and plans for dealing with all branches of communications—telegraph, telephone, cable and all forms of radio—in event the United States gets dragged into war. Exactly how the group will function remains one of those jealously-guarded bureaucratic secrets, with everybody pledged not to talk and the industry individuals who have been consulted, fearful of incurring disfavor if they spill info.

Official confirmation that the move is in progress came Monday (16) from Chairman Fly. Without throwing much light on the nature of the undertaking, the Commish head said progress has been made and difficulties smoothed out at two sessions last week with tops of the trade body. Other sources predicted the papers will be signed by the President before the end of the week, bringing into formal existence a group that has been swapping ideas for several months.

To Work Out War Setup
The principal job of the defense coordinators will be to work out details of the scheme under which communications would function in case of hostilities, allocating specific chores to the different media, devising ways to avert congestion, and filling the needs of the various defense and civil agencies of the Government. The board is expected to try and reconcile conflicting demands

between the military and civilians, as well as differences of opinion between the Army and Navy.

Industry cooperation was pledged last week after meetings here and in New York at which Fly promised he will recommend inclusion in the order of a concrete promise that the government will not interfere with private enterprise among broadcasters. Officers of N.A.B. had reflected apprehension over possible discrimination between radio, on one side, and the press and motion pictures on the other. They want to be in the same boat, with threats of dictation, censorship, gagging and suspension of operations removed.

How far the President will or can go in giving such assurance remains problematical. The industry warriors concede they cannot ask a surrender in advance of powers contained in Section 806 of the Communications Act—which allows the Chief Executive to close down or commandeer transmitters and suspend all F.C.C. rules and procedure. But they also are cheering themselves by philosophizing that in case we go to war probably everything will be changed and, just as England found unavoidable, almost totalitarian powers will be voted to the government.

No Radio Representation

The present thought, all sources emphasize, is to bring into being only a planning committee. Board would not have any authority to formulate peace-time policy or supersede the F.C.C. in any manner. This assurance put minds of the industry alarmists at rest, although the trade crowd was completely rebuffed in attempts to have somebody from the business placed on the agency to express views of private operators.

The idea that somebody outside the government should sit in on the preparedness councils was poison to the officials, partly because almost every industry in the country is planning the administration to appoint somebody from its ranks as "administrator" or "advisor" or "co-ordinator" to supervise its relations with the government. But more because the military and naval authorities fear leaks about strategy and planning. Understood Mark Ehrbridge, former N.A.B. prexy, was suggested by several industry figures, but vetoed in accordance with the general principle.

Chance for the industry to get over its ideas will be given via advisory committees and the N.A.B. Trade people were promised they will be consulted from time to time, consistent with the needs for secrecy about military and naval strategy, while Fly added that no "czar" will be appointed to give orders to station managers and network execs. Conferences with the N.A.B. were primarily to assure the industry that the government does not intend to exercise dictatorship over communications. Draft of the proposed order originally was so broad the planners could claim far-reaching control powers, but, in response to the objections, the F.C.C. chairman agreed to try and have a positive guaranty included.

Composition of the committee has not been finally revealed. With Fly as chairman, other members are expected to represent the army (Signal Corps), the navy (Naval Communications), the Treasury (Coast Guard), and the State Department. Possibly roster will include somebody from the Justice Department and spokesman for the Commerce Department (which now is in charge of aviation).

Ray Bolger, Glenda Farrell Wax New Show Tester

New musical show, "Ray Bolger's Dancing School," was waxed for agency auditioning last week by the William Morris office. In addition to Bolger, the cast included Peg La Centra and Glenda Farrell. Has original music by Tom Bennett and lyrics by Bill Demling. Tom Riley produced it.

One of the tunes from the series, "Now You're Cooking with Gas," has already been acquired for publication by BMI.

Pittsburgh—Everett Neill has been named program director for station KQV here.

Chiefs On Crime

Continued from page 23

tion any specific radio programs by name.

Don F. Stiver, of Indianapolis, superintendent of the Indiana state police, who headed a committee studying crime dramas, said the association had found that much of the information furnished for radio programs had been so distorted by script writers that the police themselves could not recognize the stories when they came on the air.

Crime Laid to Radio

'Probation officers feel very strongly that much of the increase in juvenile crime can be attributed to these crime programs,' said Supt. Stiver. 'I myself know personally of actual cases of boys getting criminal ideas entirely from radio crime stories.'

Stiver said one of the strongest arguments against such programs came to his attention in an editorial printed in the publication of the inmates of the Indiana state penitentiary after the probation officers had voted against crime dramas. The editorial said that 'this effort will be best appreciated by those (of us) who have seen their own lives grossly exaggerated by publicly dramatization of a commercial nature.'

Frequency modulation radio systems as successor to the present short wave for police in squad cars also came in for discussion by the police chiefs, advocates of the change urging that the FM method would always assure clear reception of important messages, and overcome the static that frequently makes it difficult to get ungarbled instructions and thus hampers police efficiency.

Station Reps

Continued from page 23

to dish out orders without first lining up all availabilities, make random reservations and then await the client's leisurely approval. What the reps fear is that if this procedure keeps up their stations will refuse to accept verbal reservations and they will have to radically change their methods.

The reps cite the activity of Benton & Bowles recently on this score as a good case in point. Member of the B&B time buying staff traveled around the country reserving spots on CBS affiliated stations for Columbia Phonograph business, assuring the stations that there would be orders forthcoming in a few days from New York. Later these reservations were called off. After a spell the same outlets were informed that the thing was on again. Another wait and then the announcement of further postponement.

KAND Reversal 'Bad Precedent' To FCC's Payne

Washington, Sept. 17.

Charges that a 'very bad precedent' had been set in revoking a previous order of revocation against KAND, Corsicana, Tex., were voiced by Federal Communications Commissioner George Henry Payne.

Dissenting from the opinion of his colleagues that the Texas transmitter had reformed since Nov., 1937, Payne—who conducted hearings on the case in Texas early last summer—curtly announced that 'nothing has happened since the hearing to change my mind.' The case, he said, is 'not dissimilar' from the other 'Texas cases' (involving James G. Ulmer, a former Texas pastor) in which the Commish affirmed his findings.

Mercy for the Texas transmitter, operated by the Navarro Broadcasting Assn., was advocated by Payne's fellow Commissioners, who found that while 'false and fraudulent' statements had been made while the station was wrongfully operated by Ulmer and Roy G. Terry—his one-time partner—control of the station had reverted to its proper owners, shortly after the transmitter was constructed.



LINNEA NELSON
J. WALTER THOMPSON COMPANY

GIVE WALTER SCOTT OVER AT NBC
A CALL THIS PM IF YOU WANT A
'NATURAL' FOR EASTMAN KODAK.

'SCOTTIE ALSO HAS A 'HOT ONE'
ON KYW IN PHILLY, WAITING TO
DO A SWELL SPOT JOB FOR SNELL,
WILLIAMS OR KELLOGG'S.

OUR BEST REGARDS,

Griff Thompson



50,000 WATTS PACK A WALLOP!

**in a Market that
fits your needs
for sales**

WTIC's 50,000 Watts speak with accepted authority all through Connecticut itself and way up into Southern New England.

They bring results. Because they reach a market where incomes are consistently good. Good enough to score 84.3% more "consumption purchases" per family than the national average last year, for instance.

It seems obvious you'll sell more of your goods where people have more money to spend for themselves—and incidentally, need to spend less on sales and income taxes. Give our 50,000 Watts a chance to do a job for you among WTIC's 431,200 prosperous primary-area families.

*National Resources Committee.

WTIC 50,000
WATTS

A MUST FOR A BIG JOB IN THE BIG SOUTHERN NEW ENGLAND MARKET

**SECOND LARGEST
COVERAGE
OF ANY CINCINNATI STATION**

**550 Kc
5000 WATTS DAY
1000 WATTS NIGHT**

WKRC
CINCINNATI

**WEED
AND COMPANY**
NEW YORK - CHICAGO - SAN FRANCISCO

777 U. S. Stations Move to New Channels March 29; 95 as Is

Washington, Sept. 17. Moving day for 777 United States radio stations will be March 29, in conformity with F.C.C. decision last week to carry out terms of the Havana agreement, which gives this country 15 more clear channels. The regulators sidestepped temporarily the hotly argued policy question whether exclusive night occupancy of any ribbon by a single transmitter should be ended.

Postponing the date on which all licenses will expire, the commissariat plans drafted by its engineering staff for moving all but 95 of the country's 826 plants from 10 to 40 kilocycles on the listeners' dials. Instead of filing requests for new one-year operating tickets, licensees do not have to submit applications until late in the winter. All existing franchises were automatically extended to the date when the change over occurs, although the revised rules and regulations scatter the expiration dates for transmitters on various groups of frequencies.

The conflict within F.C.C. ranks about the wisdom of continuing the clear channel policy flared before the action was taken, but decision on this traditional principle was deferred. Divergent views will be aired when time comes for acting on recommendations of the chain-monopoly investigators. Showdown was averted by arguments that the North American pact, having been ratified by the Senate, is now part of the basic law, and that it would be unwise for the U. S. to surrender its claim to any frequency in advance of the treaty's effectiveness.

Strong sentiment exists inside the commissariat for abolishing the clear channel category. In the eyes of the New Deal bloc, monopoly results when only one operator can use a certain ribbon, and a dangerous social condition results. That's in keeping with the idea that competition is imperative, not only from an economic but also from a political point of view.

No Surprises

No surprises were contained in the F.C.C. order, although the announcement of the shift emphasized that licensees have no vested right in any frequency. In keeping with the basic declaration of Congress, the regulators stressed that it will not hear complaints based on contention that existing operators are entitled to stay in their present berths. Public interest requires the wholesale moving, the commissariat noted, and the Havana Treaty in no way entitles a ticketholder to stake out a permanent claim.

There are only 28 irregular shifts involved. Changes will be as follows, with 95 plants between 550 and 720 kc staying put: 20 will move up one channel, 26 move up two channels, 614 move up three channels, 25 move up four channels and 64 (all locals) move down one channel.

One less regional frequency will be maintained, but the number of clear channels rises from 44 to 59. Mexico gets four exclusive ribbons, with the U. S. vacating 1010, 1180, 740, 800 and 900. Canada surrenders one stripe for Cuba's exclusive use.

The commissariat boasted about the prospective benefits, chiefly deletion of the so-called Mexican "border station" run by expatriate broadcasters driven from the U. S. air. Certain obnoxious broadcast stations will be rubbed out, the regulators commented, adding these are largely run by persons denied the use of frequencies in the United States; they have featured the types of programs which caused them to be eliminated from the United States scene.

In connection with the change, several paragraphs of the rules were changed as expected. New groupings were listed showing the Class I,

Class II, Class III-A and III-B, and Class IV ribbons and reshuffling the license expiration dates for the various frequencies. Tickets will be issued in the future on Feb. 1, April 1, June 1, Aug. 1, Oct. 1 and Dec. 1 for plants on the various groups of channels.

New York—Albert Grobe, traffic manager of WINS, has been named manager of the New York Broadcasting System as well. WINS is an affiliate of the network.

New salesmen for WINS include Stanley G. Barnett, John M. Sayre and William von Zehle.

WING, Dayton, Steps Up to 5,000 Watts

Dayton, Sept. 17. Station WING steps up to 5,000 watts, both day and night, authorized by the Federal Communications Commission.

It steps up from 250 watts daytime and 500 watts night, and is placed ahead of local station WHIO, which is allowed to operate on 5,000 watts daytime, but reverts to 1,000 watts at night.

Ronald B. Woodyard, general manager, has announced that between \$35,000 and \$40,000 will be spent in setting up new towers, transmitter station and other equipment in an entirely new location and that new chain programs will be added. It is expected to have everything ready to operate on the new power by Nov. 15.

FCC Questions Legality, But Okays Westinghouse-NBC Station Switch

Washington, Sept. 17. Practice of transferring control over radio stations by contractual agreements was indirectly outlawed when the FCC renewed permits for four Westinghouse plants operated for the last eight years by NBC. Despite criticism from Capitol Hill, Commish granted the routine renewal licenses, simultaneously making known its feeling that such transactions come close to violating the Communications Act.

Emphasizing that this broad-minded action must not be interpreted as a 'precedent,' Commish ap-

parently bowed to the arguments of Westinghouse that it had been en-

gaging in a 'pioneering' enterprise in signing over WBZA and WBZ, Boston; KYW, Philadelphia, and KDKA, Pittsburgh, to NBC, back in 1932. Stations were let off with a slight spank and a reprimand. The Westinghouse-NBC activities were pounced on by members of the House and Senate several years ago, and have been publicly washed on several occasions since that time.

Allan Shepard, who was on KSFO, San Francisco, has been added to KGW-KEX announcing staff.



Carve your advertising message on the really VITAL SPOTS

GET a real audience for your message—and you'll get results! And here's proof!

An NBC spot sponsor recently made a one-time offer over KDKA in Pittsburgh. Quick as a wink he received 12,554 responses, from 1152 cities, in 164 counties, in 11 states! 70% of the mail came from 468 towns within a 50-mile radius of Pittsburgh. Result? New profits for the sponsor!

Effective September 1, WOWO and WGL, Ft. Wayne, Indiana, became NBC represented stations.

NATIONAL BROADCASTING COMPANY
A Radio Corporation of America Service

WABC	50,000 Watts—640 kc.	New York
WABC	50,000 Watts—760 kc.	New York
WABC	50,000 Watts—670 kc.	Chicago
WABC	50,000 Watts—670 kc.	Chicago
WABC	7,500 Watts—790 kc.	San Francisco
WABC	50,000 Watts—880 kc.	San Francisco
WABC	5,000,1,000 Watts—950 kc.	Washington
WABC	500,250 Watts—630 kc.	Washington
WABC	50,000 Watts—790 kc.	Schenectady
WABC	50,000 Watts—830 kc.	Denver
WABC	50,000 Watts—1070 kc.	Cleveland
WESTINGHOUSE STATIONS	50,000 Watts—990 kc.	Boston
WESTINGHOUSE STATIONS	1,000 Watts—990 kc.	Springfield
WESTINGHOUSE STATIONS	10,000 Watts—1020 kc.	Philadelphia
WESTINGHOUSE STATIONS	50,000 Watts—980 kc.	Pittsburgh
WESTINGHOUSE STATIONS	10,000 Watts—1160 kc.	Ft. Wayne
WESTINGHOUSE STATIONS	250 Watts—1370 kc.	Ft. Wayne

The NBC Spot Specialist in New York, Chicago, San Francisco, Boston, Cleveland, Washington, Denver or Hollywood, will give you full information on any or all of these NBC Represented Stations.

IN BALTIMORE IT'S **WEFR**

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

ASCAP's Music Festival (24) at S.F. Expo Skeds Tin Pan Alley's Greats

San Francisco, Sept. 17. American Society of Composers, Authors and Publishers Musical Festival, originally skedd during NAB convention, will finally get underway here Tuesday (24) with all-day sesh at Expo. R. H. Burnside is producing and Gene Buck will appear. In effort to sell ASCAP's side of story and spike BMI headway made here during conclave, party will be split into two parts, with symph conductors performing in afternoon and pop tune-sters taking eve period.

Early-stantza, to be played outdoors in Federal Plaza, will have S. F. symph batoned by such conductors as Deems Taylor, William Grant Still and Howard Hanson, each playing self-compositions. One big pop session is programmed for the evening, sort of gigantic montage of Tin Pan Alley, being visualized. Such tunesmiths as Jerome Kern, W. C. Handy, Sigmund Romberg, George M. Cohan, Billy Hill, Vincent Youngman, Harry Warren, Oscar Hammerstein II, Irving Berlin, Ira Gershwin, L. Wolfe Gilbert, Harold Arlen, Mack Gordon, Percy Wenrich and Al Plantadosi are among those who will sing, play or conduct. If weather is okay, evening shindig also will be outdoors, otherwise California Coliseum will be substituted.

Bob Wachsmann, of Henry Rogers Co., Hollywood publicists, opened suite in St. Francis hotel last week and started softening up the press, which got a thorough BMI going-over from Carl Haverlin during NAB meet.

Radio, of course, is cold, although Maj. Keatinge, of Fair's special events sector, got in a plug over CBS by mentioning talent before anyone realized he was referring to ASCAP's party.

John Stepp, Orch Leader, Held in Killing of Soldier

Louisville, Sept. 17. John Stepp, band leader at the Tianoon Night Club, is being held by the police in the fatal stabbing of a Fort Knox soldier Thursday (12). Stepp admitted the stabbing and pleaded self-defense.

He was charged with murder and Mrs. Stepp was held as an accessory. Musician claimed his wife was insulted by the soldier.

The Dark Angel Of The Violin

EDDIE SOUTH

and His Orchestra

Now 10th Week

Capitol Cocktail Lounge
Chicago

For a Real Thrill Hear
Columbia's Record Album
'EDDIE SOUTH'

Management

JOE GLASER, Inc.
30 Rockefeller Plaza, New York
Circle 7-0962

JIMMIE LUNCEFORD

And His Orchestra

CASA MANANA
CULVER CITY, CAL.
6TH WEEK

Mgt. HAROLD OXLEY
17 East 49th St., New York

Ink Spots, Held by Chi Cafe, Defer Stage Dates

A \$700 bonus and a promise of four later weeks to play the Inkspots wasn't enough to release the quartet from the Blackhawk Cafe, Chicago, so the Inkies have been forced to defer theatre dates at the Chicago, Chi.; Michigan, Detroit, and New York Paramount. They went into the cafe Aug. 21 for four weeks with an option for another four.

Moe Gale, their manager, wanted to pull 'em out after the first four to pick up the theatre work, but the cafe decided business made it imperative they stay. Gale offered \$700 and the four optional weeks at a later date, but no go. Quartet was pencilled into the Chicago for two weeks beginning Sept. 20; Michigan the week following, then the N. Y. Par.

VICTOR REGAINS SAMMY KAYE

After only two and a half months of service on Eli Oberstein's U. S. Record 35c Varsity label, Sammy Kaye's band shifts back to the 50c Victor's sides. Completed the middle of last week, a short time after Oberstein's company filed a voluntary petition in bankruptcy under the Chandler Act, the new deal is for one year and is effective immediately. Band won't cut for Victor for a week or more, however, due to theatre commitments which will keep it on the road.

Victor contract is the same as the band had when it left to go over to Varsity. Its first shift to Varsity was predicated on the lower record price and the exceptionally good deal it got to become Oberstein's lead band. Under Kaye's arrangement with U. S., he could make as many sides as he could possibly get in, at \$600 per. Minimum number of sides was set, however, because of one peculiarity of the deal. Clause in the arrangement assured Kaye of an in-fill payoff for the specified minimum number if U. S. didn't live up to expectations. Money was guaranteed by Oberstein's backers. In two and a half months Kaye cut 12 tunes.

Before setting on going back to Victor, Jim Peppé, Kaye's manager, was on the brink of signing the band to the Columbia company. Decca was supposed to have been in the picture, too.

Schenley Post of American Legion has lined up Tommy Dorsey Ben Bernie and Shep Fields bands, Bill Robinson and line of Chester Hale girls for free show at National League ball park, Boston, during American Legion national convention there Sept. 25.

Nets Shying Clear of Law Suits By Merely Hinting BMI to Band Leaders

Networks are exercising extreme caution against getting themselves involved in any discrimination litigation as a result of their controversy with the American Society of Composers, Authors and Publishers over the new licensing contract. Name band leaders are not ordered to include Broadcast Music, Inc., numbers in their programs, but instead they are told that they must include at least 'one non-ASCAP number.'

They are also being reminded, say the leaders, that the networks will 'remember' when it comes to assigning pickup lines just who was and wasn't their friends.

Mutual, in a memorandum to its stations last week, indicated that it is following the procedure of NBC and Columbia on handling the leaders. The affiliates were informed that 'when bands hand in their ad-

Easy Identification

Unusual for a disk label is the connotation of music publisher, but all Columbia and Okeh record releases have BMI captioned thereon, if it's a Broadcast Music, Inc., copyright. Obvious purpose is to assist future disk programs on the air to see at a glance if it's non-ASCAP.

Columbia-Okeh are CBS subsidiaries, and the Columbia network has been the most heated in the present radio vs. ASCAP battle.

OBERSTEIN MAY STEP OUT OF U.S. RECORDS

Unless the affairs of U. S. Records are straightened out soon and the promised new money forthcoming, Eli Oberstein intends stepping out of the recording company he helped form. In petitioning for reorganization under Chapter 10 of the Chandler Act a week or so ago, U. S. officers revealed that fresh money was being sought and requested to be continued in charge until it could be secured. Plea was granted.

Understood Oberstein has meanwhile had talks with one of the established opposition recording outfits re a berth-in the event he decides to leave U. S.

MPPA, Tooters' Union Will Confab Soon On Arrangers, Copyists

Committee from the Music Publishers Protective Association will soon start negotiating with a delegation from the New York musicians union for a new contract covering arrangers, copyists and proof-readers. The present agreement, which was for two years, expires Dec. 31.

MPPA board at its meeting last Wednesday (11) authorized the association's chairman, Walter Douglas, to appoint a negotiating committee. Latter will have Elliott Shapiro, of Shapiro, Bernstein & Co., as its chairman.

RADIO TIFF HOLDING BACK ASCAP CHANGES

American Society of Composers, Authors and Publishers has put off making a number of administrative changes in the field until the matter of a new licensing agreement with radio has been settled.

It had been planned to recover more districts this fall from local lawyer supervision and place these districts under the direction of men assigned from the ASCAP home office.

Music Department for copyright clearance' the Music Department tells the dance band leader at least one non-ASCAP must be included in the program.

Band leaders report that they are also under instructions from the networks not to play any more medleys. It is customary for a medley to be strung together by a series of bars of music from some popular tune, and the networks apparently fear that if the leaders do not get out of the medley habit they might include after Jan. 1 a connecting theme which would be tagged an infringement by ASCAP.

Some business men declare that the side angles accruing from the broadcast-ASCAP controversy are becoming so complex and baffling that they may have to give up the music business altogether and become daytime serial actors.

15 Best Sheet Music Sellers

(Week ending Sept. 14, 1940)

Blueberry Hill	Chappell
I'll Never Smile Again	Sun
God Bless America	Berlin
Sierra Sue	Shapiro
When the Swallows Come Back	Witmark
*I'm Nobody's Baby (Andy Hardy Meets Deb)	Feist
Shout, I Am an American	Santly
*Only Forever (Rhythm on the River)	BMI
Practice Makes Perfect	Famous
Nearness of You	Harms
Trade Winds	Robbins
Maybe	Remick
*All This and Heaven, Too (A'TH)	Witmark
Can't Get Indiana Off My Mind	Santly
Call of the Canyon	Shapiro

*Film musical

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

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (Sept. 9-15). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes film song, † stage musicals, all others are pop. Parenthetic numeral after the title indicates how many weeks the song has shown up in these listings.

TITLE	PUBLISHER	GRAND TOTAL
Same Old Story (7)	BMI	41
Trade Winds (6)	Harms	36
Practice Makes Perfect (7)	BMI	35
Maybe (7)	Robbins	31
I'll Never Smile Again (14)	Sun	30
All This, and Heaven Too (13)	Witmark	30
That's for Me (6)	Famous	28
I'm Nobody's Baby (14)	Feist	25
Our Love Affair (1)	Feist	25
There I Go (7)	BMI	23
Get the Moon Out of Your Eyes (8)	Paramount	22
A Million Dreams Ago (2)	ABC	21
Blueberry Hill (10)	Chappell	20
Can't Get Indiana Off My Mind (7)	Santly	20
Crosstown (4)	Shapiro	20
In a Moonboat (2)	Crawford	20
When the Swallows Come Back (12)	Witmark	19
Danny Boy (19)	American	18
Rhumboogie (3)	Leeds	18
Call of the Canyon (7)	Shapiro	17
And So We Talk (5)	Regent	17
Nearness of You (14)	Famous	17
Only Forever (3)	Santly	17
We Could Make Such Beautiful Music (10)	BMI	17
I Can't Resist You (17)	Ager	17
Love Lies (7)	Feist	16
Six Lessons from Madame La Zonga (14)	BVC	16
Ferryboat Serenade (2)	Robbins	16
Fools Rush In (16)	Shapiro	15
And So Do I (5)	Miller	15
Orchids for Remembrance (11)	Miller	15
Breeze and I (19)	Miller	15
Never Took a Lesson in My Life (5)	ABC	15
I'm Stepping Out with a Memory Tonight (13)	Shapiro	15
Looking for Yesterday (2)	Berlin	10
One Look at You (5)	A Night at Earl Carroll's	10
Whispering Grass (1)	Mills	10

Music Notes

Victor Young retarding background music for Paramount's 'Moon Over Burma,' with Andrea Setaro scoring.

Frans Waxman handling the musical direction on Metro's 'Flight Command.'

Johnny Burke and Jimmy Van Heusen finished their songs for 'Love Thy Neighbor' at Paramount.

George Stoll assigned as musical director on 'Little Nellie Kelly' at Metro.

Andre Kostelanetz took charge of the music for the first two Puppetoon features to be produced by George Pal for Paramount release.

Leo Robin and Ralph Rainger doing tunes for 'The Great American Broadcast' at 20th-Fox.

Nancy Morrison and Nat Vincent collaborated on 'That's Love Down in Old Mexico' for Mills Music.

Nat Vincent and Milo Sweet clefted 'I'm Gonna Have a Cowboy Wedding' for the next Roy Rogers picture at Republic.

Mills Music, Inc., is publishing the score of 'Dance, Girl, Dance' (RKO). Tunes include 'Morning Star' and 'Mother, What Do I Do Now.'

Gus Kahn and Bronislau Kaper clefted 'You Can't Argue With Love' for Metro's 'Go West.'

Phil Bouteige is musical adviser on the Gene Markey production, 'You're the One,' at Paramount.

Edward Wana is scoring Edward Small's 'The Son of Monte Cristo.'

John Leopold is composing background music for Paramount's 'The Quarterback,' for which Irving Talbot is handling the score.

George Duning wrote two songs for publication by Broadcast Music, Inc. 'I Can't Remember to Forget' and 'To Be Continued.'

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Win your audience with the Sound system that presents you at your best! You get highest tone fidelity at lowest cost in Lafayette P.A. And with a System for any purpose—both fixed and portable units, it's no wonder Lafayette's the favorite of the nation's FIRST bands, leading artists and variety troupes. So get the facts and go places with Lafayette P.A. Send for FREE copy of great new catalog. Write TODAY. Dept. 673B.

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BING CROSBY'S

Ballad Hit from Paramount's
'Rhythm on the River'

ONLY FOREVER

by Burke and Monaco
SANTLY-JOY-SELECT
1619 Broadway New York

ASCAP Wins Important Decision In Wisconsin Suit for Royalties

Milwaukee, Sept. 17.

Federal Judge F. Ryan Duffy handed down a long-awaited and far-reaching decision Wednesday (11) when he refused to issue an injunction to prevent the American Society of Composers, Authors and Publishers, in behalf of Leo Feist, Inc., New York music publisher, from suing Charles Hynek, Manitowish Rapids, Wis., ballroom proprietor, for infringement of copyright. The court's ruling is regarded as a distinct victory for ASCAP, owing to its effect upon a large number of cases that have been pending for months awaiting a decision upon the main point at issue.

Robert A. Hess, legal rep for ASCAP, started the action against Hynek last January, seeking \$250 damages for copyright infringement for permitting the orchestra in his dance hall to play "Wabash Blues" without the formality of permission or payment of the customary fee. While the amount involved was not large, Hynek's attorney, Howard P. Haberla, who is also legal rep for the National Tavern League, raised the question of the constitutionality of a Wisconsin law passed in 1935 under which music firms' composers' representatives were required to pay a state franchise tax of 25% of their gross receipts obtained in Wisconsin from fees charged for playing copyrighted music. It was charged that, since ASCAP had not paid such a tax, it had no right to make collections in the state.

In various other actions started by Hess against night clubs, dance halls and taverns for infringement, the defendants' legal lights took a similar position. While a few of the cases were settled out of court, the rest of them were held in abeyance pending decision in the Hynek case as the same questions were involved. Hess maintained that noncompliance with the state requirement had no bearing on ASCAP's suit to collect damages under the federal law. Judge Duffy, former United States senator and author of the Duffy bill, upheld this contention, and his decision means that effect the Chapter 177, as the Wisconsin anti-ASCAP legislation is known, is no bar to ASCAP proceeding with other cases of alleged copyright infringement.

In issuing his opinion denying Hynek an injunction to halt the ASCAP action, Judge Duffy held the point at issue would come up in the trial and hence needed no special injunctive action at this time.

257,000, of Which Only 61,000 Paid, Viewed 8 Milw. Outdoor Concerts

Milwaukee, Sept. 17.

Theatre ops found out where some of their summer business went to this week when Don Griffin, the county park commission's program director for its "Music Under the Stars" series of eight outdoor concerts, announced total attendance figures of 257,000 persons. Of this number, however, only a little more than 61,000 were paid admissions, the balance free. At that, this season's cash customers numbered 4,500 more than the previous summer.

Financial statement is not yet completed, although it is certain the county will show at least a slight profit on its venture into the concert field.

Lily Pons and Andre Kostelanetz, whose salary of \$3,500 for their evening's efforts was tops for the series, drew the largest attendance—60,000 of whom 12,608 paid for the privilege. Others in the series and the number of paying customers they drew are as follows:

Lanny Ross and Florence George—10,993.
James Melton—7,901.
John Charles Thomas—7,358.
Richard Crooks—7,221.
Donald Dickinson—5,402.
Albert Spalding and Diana Gaylen—5,182.
Jean Dickinson—4,480.

Eight similar concerts for 1941 are now being planned.

Joe Reichman band replaces Leo Reisman's at Ben Madden's Riviera, Fort Lee, N. J., tomorrow (Thursday).

\$100,000 Song Suit

Eduardo Sanchez De Fuentes, Cuban composer, filed suit Thursday (12) in N. Y. federal court seeking \$100,000 damages plus an injunction against Paramount, claiming infringement of his song, "Por Tus Ojos" in the film "Cuando Canta La Ley."

Plaintiff claims he wrote his song on Jan. 10, 1924, and Paramount's film, which was released this year, used the song with the Guizar doing the singing. Besides \$100,000 plaintiff seeks \$250 for each playing of the picture.

Petrillo Hires Seabury for Ct Action vs. AGMA

Samuel Seabury has been brought in as associate attorney for James C. Petrillo and the American Federation of Musicians in the court case with the American Guild of Musical Artists. His entry into the picture caused hearing of AGMA's injunction plea before Supreme Court Justice Aaron Steiner to be set back from yesterday until tomorrow (Thursday).

Petrillo filed his answer last week to AGMA's original complaint, on which a preliminary stay, still in effect, was granted by Justice Ferdinand Pecora. It categorically denied all the AGMA charges. Henry A. Friedman, Petrillo's attorney who drew up the answer, subsequently refused to agree to an adjournment to give Henry Jaffe and Sidney Cohn, AGMA lawyers, a chance to study the document.

AGMA's injunction suit, aimed to prevent Petrillo from carrying out his threat to bar all concert artists from radio, phonograph records, opera, pictures and appearances with symphony orchestras unless they join the AFM.

6-MAN SHAW COMBO CUTTING FOR VICTOR

Artie Shaw will hit the jive market again with Victor recordings grooved with a small combination out of his big crew. Leader has already recorded four sides with a six-piece group, including himself, Billy Butterfield, trumpet; John Guarneri, piano; Al Hendrickson, guitar; Nick Fatool, drums, and Jack DeNaut, bass. Fatool and Guarneri are ex-Benny Goodmanites grabbed by Shaw when Goodman broke up his band on the Coast prior to his operation.

Numbers Shaw's group out include two originals by himself. They're "Special Delivery Stomp" and "Summit Ridge Drive," and two old show tunes, "Keeping Myself for You" and "Cross Your Heart." Shaw's big band started a stay at the Palace hotel, San Francisco, last week (12). He calls the small combo the Gramercy Five, though six men, including himself, are listed.

MPPA Sues Two Philly Stores on 'Bootlegging'

Philadelphia, Sept. 17. As a sequel to a drive to stamp out the bootleg song-sheet racket which investigators for the Music Publishers Protective Assn. conducted in this town several months ago, suits were filed last week against two stores alleged to be carrying such publications. The Federal court actions named the Shubert Patent Medicine Store, Philadelphia, and Killian's, Lancaster, and asked for an injunction to stop the sale of the illegal sheets.

When the MPPA's drive started in Philadelphia, scores of stores were stocking the bootleg publications. Same applied to newsstands along the main thoroughfares.

Robin and Rainger Sign With 20th-Fox

Ralph Rainger and Leo Robin are set with 20th Century-Fox as staff songsmiths at a combined drawing account of \$1,000 a week, against royalties via the Feist-Robbins catalogs. They were last signed to Paramount and Famous Music.

Robin and Rainger's signaturing by 20th presages a musical production upbeat by that company.

BMI PUBLISHES MAESTROS' TUNES

Broadcast Music, Inc., under George Marlo's general professional direction, has been picking up new songs written by band leaders with regular radio wires, among them Al Kavelin, Barry Winton, Gray Gordon, Johnny Messner, Ray Herbeck and Ted Weems, among others. Arthur Hammerstein, formerly very active musical producer, with Dudley Wilkinson, last piano accompanist for Estelle Taylor, have also placed a new song, "Because of You," with BMI.

To date, BMI has published some 120 originals and 175 standards (new arrangements), at the rate of seven popular and ten standard numbers a week. These go out to a list of 45,000 professional music users.

Artie Shaw BMI's 1st S.F. Casualty When He's Minus Non-ASCAP Tune

San Francisco, Sept. 17. Initial Frisco radio casualty is Artie Shaw, spending his first 10 days at the Palace hotel minus the regular CBS wire. Fact that all bands airing on web must include at least one non-ASCAP number per broadcast caught jivester by surprise and sans arrangements. Situation now being remedied by Leo Hayton.

Boys will have to do some rapid rehearsing if they want to get back on air inside of 10 days, as local union rules permit only two 2-hour rehearsal sessions per week.

New band comprises 22 pieces and opened 12-week engagement in Rose Room (16) pulling an overflow mob. News that Anna Turner divorce had been granted broke same day, giving hostelry nice publicity splash. Shaw's first act after being notified by newsmen of the divorce was to arrange with one of them for a tour through San Quentin Wednesday (18).

Shaw will commute to Hollywood Mondays to do his Spam show.

BMI's Operating Nut Now Estimated To Be Approximately \$45,000 Monthly

Monthly operating cost of Broadcast Music, Inc., is now estimated by the trade as being around the \$45,000 mark. The project, set up by the broadcasters as a bargaining instrument in the forthcoming grapple over the new ASCAP licensing contract, is figured to have a weekly payroll of over \$4,000, with the weekly top money going to Sidney Kaye (\$750), George Marlo (\$250 plus \$100 expenses) and Merritt Tompkins (\$300). Marlo has four assistants and there are about 40 arrangers on either full or part time.

BMI is committed to turn out a minimum of 200 numbers between now and the first of the year. It's usual stock order for orchestrations is 5,000 per number and the cost per title, covering arrangement, plates, printing and distribution, is estimated to be \$1,000. When NBC operated its own music group 1932 it blew \$500,000 within a period of nine months, and the operation of BMI was nothing as extensive as BMI's.

BMI directors have currently under consideration a proposal that it bring in Earl Ferris as BMI's chief press agent. Ferris has for the past eight years specialized in freelance publicity for radio performers.

Peer's Latin-American Music Via BMI; Wants to Extend His ASCAP Contract, But Society Nix Seen

Spud Murphy Rehearsing

Spud Murphy is rehearsing a new band for dance work. He's the bandleader who early this year started broadcasting on the NBC network, with an NBC studio band, to determine whether radio or records is the more powerful medium for pushing a band into public popularity.

New outfit may go into the Arcadi ballroom, New York, for its first date.

Decca Loses Plea vs. Quiz In Victor Suit

Decca lost out last week in its attempt to have the Federal court vacate an order that Decca answer questions submitted by the RCA Manufacturing Co. in connection with the latter's trademark suit. Judge Vincent Leibell turned down Decca's plea entirely.

Action seeks an injunction, accounting of profits, and triple damages claiming trademark infringement in the use of a red label on records, and also charges unfair competition. The interrogatories now to be answered by Decca are to state the number of records sold bearing that label; to produce specimens of the record; the price charged; type of artist on the record, and all printed matter used in connection with the sale.

RCA acquired the red label in 1902, it having first belonged to the Gramophone and Typewriter Co., Victor's British affiliate. In 1903 Victor won the first court battle over the label, defeating the Columbia company, which was putting out celebrity singers' records under the label.

Columbia subsequently was forced to shift to a black and silver label, and Victor has retained the red trademark to date. It charges Decca with having acquired a number of masters of foreign recordings of Victor artists made a dozen years ago, and of having issued them domestically under a red label.

Sour Notes In Encino's 'Garden'; Piantadosi Sues

Los Angeles, Sept. 17. Al Piantadosi, song writer, filed a damage suit for \$5,417 against the Encino Chamber of Commerce, charging breach of contract.

Plaintiff declared he entered a verbal agreement with the village boarders to clef a number titled "In a Garden in Encino," but was turned down after he had paid for publication of the ditty.

New Mpls. Spot

Minneapolis, Sept. 17. Minneapolis gets another new elaborate nitery Sat. (21), when the Hotel Redison's Flame Room opens. Eddy Rogers and his band, which recently played an engagement at the N. Y. Radio City Rainbow Grill, will be the initial terps outfit.

Gene Krupa cracked Dancing Campus, World's Fair, N. Y., attendance record Sunday (15) with 8,700 admissions afternoon and evening.

Ralph Peer last week culminated his lengthy feud with the American Society of Composers, Authors and Publishers by closing a performing rights deal with Broadcast Music, Inc. For a three-year contract at \$35,000 a year, Peer has made available to BMI all the Latin-American music contained in the catalog of his South-West Music Publishing Co., plus the works of Southern Music International, Editorial PHAM, Editorial Argentina and the Mexican Association of Authors and Composers. BMI's minimum obligation on the agreement is \$35,000.

It is Peer's intention to retain within the Southern Music Co. the performing rights of American popular music and extend his contract for this firm with ASCAP. Peer's failure to transfer the American phase of his catalog to BMI is interpreted in ASCAP quarters as a two-way recognition of the contention among ASCAP writers that their contractual alignment with ASCAP bars their publishers from assigning their performing rights elsewhere. Following the BMI deal, intimations were given by ASCAP officials that Peer's application for renewal of his contract would be rejected, since he elected to split his catalog, and that, anyway, ASCAP holds the rights through the writers.

ASCAP Nixes Peer's Deals

Peer had for some time tried to work out a deal with ASCAP for the rights in the Mexican Association's catalog. He also tried to negotiate a new contract for the Argentine Society of Authors and Composers. In the case of the Mexican group, ASCAP rejected his approach on the ground that it didn't have the internal setup of the association. As for the Argentine proposition, ASCAP held it already had a contract with that Society. Latter agreement can be terminated on three months' notice before the end of any year.

Peer's deal with BMI was accompanied by his setting up of a new organization, the American Performing Rights Society, Inc. Charter for the latter was obtained in Albany last week, with the capital stock given as 200 shares, no par value. Peer proposes to assign the performing rights of the Latin-American catalogs to this new organization, and it is the American Performing Rights Society, that's named as the other party in the BMI agreement.

Brown and Henderson Stage Big 'Reopening' In Music Biz on B'way

Low Brown and Ray Henderson staged quite an "opening" Monday afternoon at their new Brill building offices, marking their re-entry into the music publishing business. Brown & Henderson, Inc.'s first plug song, "That's Your Umbrella When It Rains," self-written, will be followed by "The Greatest General of Them All," a semi-martial hymn.

The return of B&H into the music business has seen all of the famed (Buddy) De Sylva, Brown and Henderson trio in many spheres of the theatre, from musicals to Broadway legit, wherein the first named is conceivably very promising with "Louisiana Purchase" and "DuBarry Was a Lady," as well as the forthcoming "Panama Hattie," which follows "DuBarry" into the 46th St. theatre next month.

Low Brown last season had "Yokel Boy" as a musical outstander, and Ray Henderson has been writing prolifically. Brown, in between, also had his own Brown, Inc., music firm.

Bobby Crawford, who in 1927 first conceived the DeS. B. & H. setup and who, in 1929, sold the firm to Warner Bros. as part of a package deal with other Max Dreyfus music firms for around \$9,000,000, is now general manager for Al Jolson's "Hold on to Your Hats" and himself a legit producer, represented by "Separate Rooms."

Solly Cohn is currently prof. mgr. for the new Brown & Henderson setup.

Night Club Reviews

TWO O'CLOCK CLUB (BALTIMORE)

Baltimore, Sept. 14.
Ralph Lewis, Chiquita, O'Connor Bros. and Clair (3), a Lewis Sisters (2), Wally Wanger Girls (6), Milton Lyons Orch (7); \$1 and \$1.50 minimum Sat. and Sun.

Only spot in town essaying ambitious floor diversion. Two O'Clock Club has been able to overcome bad location in heart of downtown tenderloin section.

Given some overhauling and minor redecoration, room is essaying its fourth season and on opening night, when caught, attracted complete capacity. Biz since also reported okay. No cover or minimum during week nights with tariff applied over weekends and holiday nights only.

Current layout places smoothly enough. Briskly paced by Ralph Lewis, emcee, layout gets under way with number by line of six after which the Lewis Sisters, duo of nice-looking singers, give out with session of pons to good returns. "Do Got My Eyes On You," "Oh, Johnny," "Oh, and Rancho Grande," the latter most effective.

O'Connor Bros. and Clair, two boys and a girl in three-way hoofing and instrumental stuff, follow. Utilizing a trumpet and a fiddle, last give impressions of name band signatures after which they take hold of saxes, while beating out a fast tap routine. Work well and sell smoothly.

After a modernistic number by line, Chiquita (New Acts) contributes a novel bit of marionette handling, a good pace changer and a bit different for type of entertainment usually dished out here. Makes good spot for Lewis with routine of swift gagging, not too familiar and nicely sold. Last knows his way around with audiences of this type and handled extra heavy session of heckling when caught in highly skillful styles. Handles a vocal well and impression of Winchell and March of Time newscast also okay.

Milton Lyons orch plays for show and dancing. Contributes a smooth routine all around.

With no competition to speak of and biz in cocktail lounges and intimate bistros around town reported extra good, Two O'Clock Club should show ample returns if policy of floor shows is maintained on opening standards. **Burn.**

Panther Room, Chi

Chicago, Sept. 12.
Duke Ellington Orch with Ivy Anderson, Herbie Jeffrey, Bill Bailey, Marie Bryant; no cover.

Panther room has become an important part of Chicago nite life, building a real and vital dance following which is making this base-

ment locale one of the hottest business spots in town.

This climb to almost continuous capacity has been achieved through steady booking of the top swing bands. Occasionally, there has been a weaker band and business has had a corresponding slackening. Ellington's band is one of the finest, as always. It's swing without the blasting usually associated with colored orchestras. Its style seemingly is fresh and new with plenty of modernistic touches to satisfy the most ardent swing concert addict. Ellington's band is also capable of doing real justice to a straight, simple ballad, something few swing bands seem able to accomplish. In addition he gives the spotlight to several of his musicians on the clarinet, trumpet, trombone and sax. Roy Anderson is the leading light among the non-instrumentalists, and scores consistently on her nifty pipes. Her diction, phrasing and general style all make up a vocal session of topnotch worth and entertainment. Herbie Jeffrey is the male vocalist and specializes in ballad-type tunes which he sings without particular coloring. He needs some vocal personality.

Standard in vaude in he colored tapster Bill Bailey and he works hard to fill out suitable turn. Marie Bryant has some patter to lead into some torso-tossing dancing which gets lukewarm, then fails to ignite.

Bluegrass Room, L'ville (BROWN HOTEL)

Louisville, Sept. 12.
Nancy Healy, Three Randall Sisters, Edward Noll and Marion Noll, Paul Winchell, Nick Stuart Orch (8); Betty Burns; minimum Saturday and Sunday, \$1.50; other nights, \$1.

Situated in one of the town's two leading hotels, the Bluegrass Room is the rendezvous for the local colonels and their ladies. Room is decorated throughout with an equine motif, and can accommodate about 300 comfortably. With the advent of cooler weather, and the fall season getting into stride, management has booked a modest show this week with Nick Stuart, erstwhile film player, fronting an eight-piece band. Stuart flashes a pearly set of molars as he introduces the acts and fronts for the combo, although he doesn't essay any vocal chores or give out on an instrument (at least, neither of these talents were displayed at show caught).

Orch gives out with some soft dance tunes and backs the show solidly. Starter is Nancy Healy, who's dextrous at tapology. She's a dark-haired youngster, attractive in a blue gown, with gloves to match, and makes for a lively opener. Three Randall Sisters follow, huddling around the mike for some standard

harmony. Loosen up a bit with "Ragtime Cowboy Joe," swing into a bit of hillbilly, novelty antics with "When Pa Was Courtin' Ma," Gals garnered generous applause, but gave evidence of needing some seasoning. Stick pretty close to the mike, as their voices are small, but the blend is there, and general effect is okay.

Edward Noll and Marion Noll, standard ballroom duo, open their turn with usual adagio stuff, then wham over a hit with their version of the Castles doing the Castle Walk, back in 1913, to the tune of "By the Sea." Patrons liked that number plenty. Top applause act of the bill is Paul Winchell, ventriloquist, with Jerry his dummy partner. Gets off some nifty stuff with his wooden stooge.

Two shows are presented nightly, at 8 and 12, with luncheon matinee on Saturday. Band dishes out smooth dance rhythms, with Betty Burns handling the vocals. At show caught Saturday (7), dinner biz was capacity. **Hold.**

On The Upbeat

Bernice Armstrong and his KDKA staff orch have been signed by Pines, Pittsburgh, to play for weekend dancing during the fall and winter season.

Eddie Metcalfe, formerly with Dick Barrie, left Herman Middleman's outfit at Yacht Club, Pittsburgh, to join Leighton Noble as sax player and vocalist.

Donna Laine, formerly of the dance act of Bert Layton and his Four Flirts, has joined Fran Eichler's band in Pittsburgh as featured vocalist.

El Chico, Pittsburgh, has lifted option of Lola Cordoba and her Argentine band for two more weeks.

Harold Becker orch opened yesterday (17) at Delwood Ballroom, Buffalo, succeeding Tommy Flynn, who moves (23) into Chez Ami.

Ruby Newman booked into Ritz Roof, Boston, for three weeks starting Sept. 16. Only band to be return-booked in that spot this season.

Tommy Dorsey's band signed by Paramount for Las Vegas Nights.

Sea Girl Inn, Sea Girl, N. J., is continuing its band policy, started early in the season by Jack Teagarden, but is operating only Saturday nights. Had Dick Messner and Terry Shand last two weeks.

Sonny Burke band, due for a buildup by Columbia Records, set for its first job in New York. Got into Brooklyn, Roseland Sept. 25. Band worked at the Dells, East Lansing, Michigan, all summer.

Tony Pastor band's start at the Lincoln is set for Oct. 28. Will Hudson band stays till then.

D'Artiga band back in New York after a year as stage band at theatre in Buffalo.

Terry Shand outfit set for 12 weeks at the New Kenmore hotel, Albany, opening Sept. 20. Gets five CBS afternoon and evening wires. Crew just back from long run through Texas and Mississippi.

Ina Ray Hutton's all male band to record for Okeh label. She's currently at Astor Roof, New York.

Rivera ballroom, Riverview Park, Des Moines, shuttered for the winter Sunday night (15), abandoning an effort to operate weekends during the fall season after a two-week trial.

Carl Hoff orch playing for the duration of the Los Angeles county fair in Pomona, Cal.

Jean Carroll, former showgirl at Ben Marden's Riviera, now singing with Leo Reisman's band. Reisman was at Marden's all summer.

Johnny McGee's group goes into the St. George hotel, Brooklyn, for four months Sept. 27. Zinn Arthur current.

Ronnie Kemper, pianist and vocalist with Dick Jurgens, left to go to California to form a band of his own.

Larry Clinton set for two weeks at Netherland-Plaza hotel, Cincinnati, opening Oct. 24.

Saxie Dowell band will oppose that of Hal Kamp, his old boss, in Atlanta, Ga., this month. He opens Henry Grady hotel, Sept. 21. Kamp comes into the Ansley hotel, Sept. 27.

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, is the estimated cover charge business being done by name bands in various New York hotels. Dinner business (7-10 P.M.) not rated. Figures after name of hotel give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Covers Weeks Played	Room Cost	Total Covers On Date
Woody Herman*	New Yorker (400; 75c-\$1.50)	5	2,300	9,750
Russ Morgan	Pennsylvania (500; 75c-\$1.50)	5	1,375	6,475
Ina Ray Hutton*	Astor (900; 75c-\$1.50)	2	1,850	5,100
Ray Kinney	Lexington (300; 75c-\$1.50)	18	1,150	22,350

* Asterisks indicate a supporting floor show, although the band is the major draw.

Inside Stuff—Music

Florence George (Mrs. Everett Crosby), coloratura soprano, has obtained a personally written book by the French tenor, Charles Dalmores (1871-1940), in which the singer lists every performance in his career from 1899-1918. The book shows that Dalmores, who was considered the best of all French tenors to appear in America, earned 1,782,848 francs during his entire career.

Miss George was a pupil of Dalmores, having studied with him in Hollywood the last two years of his life, which ended in poverty. The balance of the book describes the performances, contains personally written anecdotes, and lists the singers with whom Dalmores appeared. Miss George is considering posthumous publication.

Hugo Bryk, a German Jew, and in a French concentration camp as a technical "alien" until the Nazi occupation, seemingly has free access throughout France, all of which puzzles ASCAP and the U. S. music men who know the veteran Bryk. Latter had cabled that he was privileged to act as ASCAP's rep in France, either in Paris (occupied territory) or in unoccupied Vichy, and that he preferred the latter as a European h.q. to represent the Society. John G. Paine, g.m. of ASCAP, cabled back that Bryk could suit himself and he decided to follow the French governmental seat to Vichy.

Sidney Bechet corralled an all-star quartet to help him record his last five tunes for Victor record release. Cut in Chicago, the sides were made with Bechet on sax and clarinet, Baby Dodds, drums; Rex Stewart, trumpeter with Duke Ellington's band; bandleader Earl Hines on piano, and John Lindsay, one-time base player with the old King Oliver band.

Quintet made five tunes, "Blue in Thirids," "Blues to You Johnny," "Ain't Misbehavin'," "Save It Pretty Mama," and "Stompy Jones." First two are originals by Hines.

Harry Ronna's likely split with General Amusement Corp., for which he handled all theatre bookings, is based on the fact that GAC has become dissatisfied with the terms of the deal which gives Ronna 4% commission on all theatre bookings. Beside booking GAC talent, he handles the accounts he brought with him at the time he joined the agency.

Agency wants him to forego the 4% arrangement and join the agency as an employee. Instead he'll likely resume an independent status.

Lester Santly, who co-authored "I'm Nobody's Baby," a Feist copyright, long before he became a partner in Santly-Joy-Select, gave his wife, Agnes, his royalty share in the re-publication rights since Judy Garland interpolated it into "Andy Hardy Meets Debutante" (M-G). Song has sold 100,000 copies to date.

Swing Mag's Reorg Plea

Swing Publications, Inc., publishers of Swing magazine, filed a petition for reorganization under Chapter XI of the bankruptcy act in N. Y. federal court Monday (16), listing assets of \$3,552 and liabilities of \$19,768. Of the assets \$3,109 are debts due on open accounts.

A plan of reorganization accompanies the petition offering to pay unsecured creditors 15% of their claims in full settlement of them.

Charley Teagarden Sticks With Brother Jack's Orch

Charley Teagarden will remain with his brother's (Jack) band. He originally joined the latter's crew temporarily in place of trumpeter Tommy Gonsolin. Charley was with assets of \$3,552 and liabilities of \$19,768. Of the assets \$3,109 are debts due on open accounts.

Another change in the outfit last week put Al Calico among Teagarden trombones, replacing Joe Ferrel. Also, Edie Simmons vice Mary Anne Dunne as vocalist.

When we have a bad one, we tear it up
When we have a good one, we advertise



A cheery-timely-rhythmic fox trot

THAT'S YOUR UMBRELLA WHEN IT RAINS

(Paul Weirick arrangement)

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"PLUG" ON THE SCREEN!

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OUR LOVE AFFAIR

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DREAM VALLEY

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Barnet 'Misconstrues' Petrillo's Ruling In CRA Dates; Playing Fiesta, N. Y.

Charlie Barnet orch-Consolidated die Artists battle over whether the band would play one-night stands. The agency has lined up for the band to play one night at a half weeks at the Fiesta Nocteria, New York, is still a petty mixed up affair. Barnet's lawyer started the Fiesta date Friday on schedule after a meeting over the dispute, with all parties present, in the offices of James C. Petrillo, prez of the American Federation of Musicians. Confab took place Friday a few hours before the band went into the Fiesta. Petrillo left for Chicago immediately after the meeting and left to one of his union associates to say his final decision. It was, as planned, by Petrillo yesterday (uesday) after his return, that he gave Barnet permission to take complaints against CRA to a court, but in the meantime the band must live up to its contract with the agency. That meant that the band couldn't all the Fiesta date, but must play CRA's booked one-nighters. Barnet's side claim they construed the decision to mean, in essence, that Petrillo recognized a legal contract between the two parties and simply gave Barnet the say to go to court, without specially referring to the disputed fees.

At any rate, the band is playing the Fiesta. When queried, Petrillo claimed he hadn't yet decided at measures to take against Barnet for disregarding the second order to abide by the agreement in CRA. First order was issued week or so ago and Petrillo's okay a meeting with both sides was a result of the answer to it by Charles Weintraub, Barnet's manager. Weintraub's plea was based on the fact that Petrillo hadn't heard his sides of the argument. The meeting was attended by Weintraub, Barnet, Lou Randall, Petrillo's lawyer; Charles Green and in Richardson, of CRA; Jack Rosenberg, prez of N. Y. Local 802 of the AFM, and the national executive board.

Barnet claims he cancelled, via registered letter to Charles Green, a contract between the band and the agency on Sept. 6. Whether the charge holds water remains to be seen. Barnet's contract with CRA is for 10 years as of last March 1 called for a straight 20% commission on all work secured for him.

Weintraub says that as fast as the contracts for the disputed dates were sent him on the road the protests concerned were informed a band would not play for them, they were signed by CRA in Bar-

net's behalf on the strength of a power of attorney, which is said to be part of all contracts between CRA and its bands.

Barnet flew his entire crew in from Detroit Thursday night (12) after finishing a week at the Fox theatre there.

RAYMOND SCOTT HUNTS 4 MUSICIANS, VOCALIST

Raymond Scott flew into New York Monday (16) to conduct hurried auditions for new men in four vacated spots in his band, and have the outfit ready for its opening Friday (20) at the Chase hotel, St. Louis. Scott is looking for replacements for Andy Picard, drummer; Charles Brosen, sax; Chubby Jackson, bass; and Wendell Dorley, trombone. Had already replaced Bert LaMarr on trumpet with Jimmy Maxwell.

Leader is also looking for a girl vocalist to replace Nan Wynn. Clyde Burke, until recently with Sammy Kaye, is handling all vocals meanwhile. Band goes back into Chicago for four months at the Blackhawk Cafe next month. Less than two weeks ago it completed a stay at the opposition Sherman hotel.

Names Give Cal. State Fair Its Biggest Year

Sacramento, Calif., Sept. 17. Record attendance for the 11 days of the State Fair is attributed to the name bands, Bonnie Baker and Bob Hope, booked in by Fox Case, chairman of the attractions committee. Turnout reached 713,625, topping the former high in the 86 years of the event by better than 100,000. It marked the first time that the fair association used other than standard vaude acts.

Top crowd-getter was Kay Kyser, followed by Horace Heidt, Bob Hope, Bonnie Baker-Orrin Tucker and Phil Harris in that order. Fair broke even on these attractions and Case has been instructed to work out a similar lineup for next year.

Jimmy Blake III

Jimmy Blake, trumpeter with Tommy Dorsey, has been in the Johns-Hopkins Hospital, Baltimore, for the past two weeks recovering from a collapsed lung resulting from overexertion. Blake will be hospitalized at least another two weeks and will be out of action for another six. He'll rejoin Dorsey at the Palladium, Los Angeles, where the band opens for six weeks Oct. 31.

Blake's absence leaves Dorsey with three trumpets. Clyde Hurley dropped out to go to the Coast for studio work. Section now consists of Ray Lynn, Ziggy Elman and Chuck Peterson, who shifted over from Tony Pastor after Blake's temporary retirement. Hymie Schertzer, first alto sax, dropped out last week. He was replaced third alto by Freddie Stolz, latter's spot being taken by Henie Beau.

From Maestro to Agent And Now Back Again

Pittsburgh, Sept. 17. Ralph Harrison, one-time band leader in these parts but more recently an indie agent, is going back to his old trade this week at the head of his own small outfit. He calls his crew the 4 Aces and they open Thursday night (19) at the Hotel Fort Pitt's Norse Room for dinner and supper dancing. It also marks Fort Pitt's return to the dance field after more than a decade's hiatus.

Harrison back in the early '20s maestroed the first theatre stage band of any importance in Pittsburgh, the old Nighthawks at the State, a Fifth avenue house. Was also a dance fave here and in Bermuda but gave up his own orch several years ago to play piano with several picture house bands. He's a nephew of Dave Brodsky, former conductor at Stanley theatre and now first violinist there under Max Adkins.

SHEA'S BUFFALO DROPS GUEST MAESTROS

Buffalo, Sept. 17. Effective this week, Shea's Buffalo, this town's ace deluxe house, will abandon its guest conductor and pit orchestra policy which has been in force since the theatre's opening over 13 years ago. The orchestral policy was inaugurated by the late Mike Shea shortly after he opened the Hipp here and was carried on continuously at the Hipp from about 1914, being later transferred to the Buffalo. This will mark the first time in 25 years the town has been without orchestra presentations. Shea's Buffalo at various times having been one of three or four theatres in the country to continue the policy.

The Buffalo orchestra at one time numbered over 40 members and in recent years has been conducted by practically every guest conductor of note. House, under union requirements, will maintain an orchestra of 17 pieces for stage show and general utility purposes.

Band Bookings

Jimmi Lunceford, Sept. 26, Elks Aud., Los Angeles; 27, Aud., San Diego; 30, City Aud., Houston, Texas; Oct. 1, Little Rock, Ark.; 2, Memphis, Tenn.
Jimmy Dorsey, Oct. 18, Earle theatre, Phila.
Woody Herman, Oct. 11-14, State theatre, Hartford; 17, Recreation Hall, St. George, Staten Island, N. Y.; Nov. 15, week, RKO Palace, Cleveland; 22, week, Fox theatre, Detroit; 29, week, Century, Buffalo; Dec. 13, Hipp, Balto.
Cats & Fiddle, Sept. 20, Lincoln theatre, Washington, D. C.; 27, Apollo theatre, N. Y.; Oct. 4, Royal theatre, Balto.
George Olsen, Sept. 20, Purdue Memorial Union, Lafayette, Ind.; 21, Lansing C. C., Lansing, Mich.
Ted Lewis, Sept. 27, Robinson Memorial Union, Little Rock, Ark.
Will Osborn, Oct. 8, Laramar B., Fort Dodge, Ia.
Al Donahue, Sept. 25, Mishles theatre, Altoona, Pa.; 26, Orpheum T., Connellsville, Pa.; 27, theatre, Butler, Pa.; 28, Castle Farms, Cincinnati; 29, Myers Lake, Canton, O.
Leo Reisman, Oct. 3, week, Loew's State, N. Y.
Larry Clinton, Oct. 18, Washington & Lee, Lexington, Va.
Malcolm Beeby, Oct. 2, indef., Adolphus hotel, Dallas.
Alex Bartha, Oct. 26, Town Hall, Philadelphia.
Paul Burton, Sept. 30, two weeks, Palm Beach Cafe, Detroit.
Xavier Cugat, Oct. 3, three weeks, Statler hotel, Detroit; Oct. 25, Chicago theatre, Chi; Nov. 1, Palace T., Cleveland; 8, Fox T., Detroit; 15, Shea's T., Buffalo; 22, Colonial T., Dayton.
Bernie Cummins, Oct. 26, Nicolle hotel, Minneapolis.
Jan Garber, Oct. 11, two weeks, Ansley hotel, Atlanta.
Everett Holloman, Oct. 14, indef., Statler hotel, Boston.

Cugat Finally Shifts to Columbia Records After Threat of Legal Suit

Wilson Hosts Goodman

Benny Goodman getting back into shape. Sat in for over an hour with Teddy Wilson's small combo at Cafe Society, New York, last Tuesday (10).

Goodman is resting in Westchester preparatory to starting anew about Oct. 10.

N.Y. Dance Cafeteria Segregates Jitterbugs; Too Rough on Flooring

Effective with the start of Charlie Barnet's band there Friday night (13), the Fiesta Danceteria, N. Y., changed its policy to segregate jitterbugs from sedate hoppers as a protective measure. Spot has two floors, three bands shifting from one to the other at different times. Keeping the more violent ankle tossers on the upper area insures the better constructed lower one against having to be replaced. With only 10 months of operation under its belt, the spot has already resurfaced the upper floor three times; workmen completed the third going over a few minutes before Barnet was to shift up there opening night.

Fiesta opened originally with a self-service policy of handling the food, from which is derived its Danceteria handle. Coincidence with the division of dancing style, however, the spot installed waiter service on its lower floor and self-service only on the upper.

Beside Barnet, the spot has a band led by Guy Granado and a rhumba band led by Lou Fay. Another idea unveiled along with Barnet makes Granado's outfit a sweet or swing group depending on the style of name bands brought in.

Fay's rhumba crew has been at the spot for some time. He'll change his name so the folks don't get tired of him. New moniker hasn't been decided yet.

Threat of a suit by Columbia Records against Music Corp. of America and Xavier Cugat forced the shift of Cugat's orchestra from the Victor to the Columbia Recording roster. Cugat's current tie with Victor expires next month after which he goes over to the Columbia 50c label. Columbia contract forcing the change was signed by Cugat last April and the litigation was the suit of his trying to squirm out of it and remain at Victor.

Cugat was dissatisfied with the way he was being handled by Victor and also with the latter's 75c selling price. He asked MCA to negotiate a deal for him somewhere else. Complying, MCA signed him to Columbia at \$275 per side and a guarantee of 40 sides a year. He had been getting \$175 a side for a lesser number from Victor. When Victor heard of the deal, not knowing he had already signed with Columbia, it upped Columbia's offer and more than doubled its present price arrangement with the band by setting a figure of \$375 a side with a guarantee of 40 sides. Also told Cugat Victor's 75c price was dropping to 50c.

Cugat immediately decided he would rather stay at Victor. In response to his pleas MCA talked Columbia into returning the contract, but leaving the latter under the impression that its terms would stand and Cugat would come to them. Why Columbia even temporarily returned the contract is vague, but it was based on MCA's word that it would hold.

There was some delay in its being returned and Columbia informed MCA of its suit plans if Cugat disregarded the Columbia agreement and stayed at Victor. The whole argument is based on the current rage for rhumba and conga groups, of which Cugat's is one of the best known. When he let it be known that he was desirous of a change away from Victor he also had offers from Decca and U. S. Records.

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	41 London Street, East

GREYHOUND
Lines

Not Enough Good Orthodox Vaude Left, Balto Hipp Goes Presentation

Izzy Rappaport, operator of the Hippodrome, Baltimore, vet indie stage show house, has become convinced that it's impossible to line up enough good vaude shows with the orthodox five-act system. Result is he's switching to a modified presentation idea Oct. 11, booking in a 16-girl Fanchon & Marco line and F. & M. stager Beth Mitchell to enhance the production values. Eddie Sherman continues to book the acts and, when available to space the presentations, name bands.

F. & M. line is booked on a basis that gives the Hipp the right to lay off the girls when band shows are booked.

Rappaport blames the current condition of orthodox vaude the fact that there are no flash acts of quality available. This means that shows as a rule must close with acrobats, and after awhile they all begin to look alike.

WB's Earle, Washington, has been operating successfully with the presentation idea for the past couple of years. A Fanchon & Marco line of girls is on tap there also, with Harry Angel doing the staging. It's Rappaport's plan to borrow production ideas from this spot, as well as the F. & M.-staged Roly, New York.

Kentuckiana Institute Schedules Names

Louisville, Sept. 17. Third Kentuckiana Institute, sponsored by Courier-Journal and Times, is set for week starting Sept. 30. Names set are Alec Templeton, Wayne King, Southernaires Quartet and American Puppet Opera Co. All will appear at Memorial Aud., at 99c and 48c, prices which the newspapers announce are pegged to give patrons the attractions "at cost."

Names set for the lecture series during the Kentuckiana (a coined term, denoting the Kentucky-Indiana trade area), are Sigrid Undset, Norwegian novelist; Vyryan Donner, Angelo Patri, Count Potocki, George Antheil, Schiaparelli, Elmer Davis, Archduke Felix and Drew Pearson. The syndicate columns of Patri, Antheil, and Pearson are carried in the sponsoring newspapers.

Promotion is an annual affair, and brings in most of the lectures, together with cooking schools, camera show, health talks and the like, free of charge. Has proven to be a tremendous trade stimulant, and brings tremendous flock of visitors from out-state, and from neighboring Southern Indiana.

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Saranac Lake

By Happy Benway

Saranac, N. Y., Sept. 17. Hidden personalities of the actors colony:

Father Blais, who would miss a meal to call on any ailing artist and hand him a laugh, a man-of-the-cloth who started as an actor.

Jack Walsh, connected with this city government, who since 1918 hasn't missed a chance to further benefits for the ozoning show-folks here.

Weaver Bros. and Elviry, who, in their own Ozark mountain way, aid this colony in bringing good cheer.

Jerry Vogel's year-in-and-year-out gifts to each and all who are ill here, a monthly event for the past 15 years.

Jack ("please don't mention my name") Hirsch, from New York and Boston, a bestower of needy things.

E. G. Dodds, manager of the Palace theatre, Lake Placid, N. Y., who shoots smokes to the allers and always has an open house at his show-shop for the colony's ozoners.

A. B. "Tony" Anderson, a Schine theatre manager, who always takes time out to aid the unfortunates; he's an ex-ozoner himself.

The cheerful letter that this desk has received from Walter Vincent (Wilmer and Vincent), which helps to make life worthwhile.

The interest taken by Dr. George Wilson and Rudy Plank for those who cannot make the moneyed curin grade.

The affection that Dr. John R. Murphy holds for the ailing artist.

The wallp that a Walter Winchell broadcast packs when he mentions some of us up here who are not so fortunate.

The ever-loving care this colony receives from Mrs. Wm. "Mother" Morris.

Emma Mascolo, with the RKO booking office, vacated here with Jim and Winifred Heagney, formerly of the Erlanger office. Jim Heagney, an ozoner, is faring well.

Two nifty comebacks are credited to Cliff Heather, Pittsfield, Mass. trombone player, and Sid Grill, former commander between N. Y. and Hollywood. Both are at the Rogers.

Bryce Lavign, who batons at the local Hotel Saranac, into N. Y. to pep the sales of "We Met Each Other in a Dream," written by him and Eddie Dowd. Will Rogers strictly abed inmate.

Eddie Vogt (Vogt and Hurst) celebrated his natal day at the Rogers, with the medico handing him a par-excellent report.

"Slipfoot" Clifton, who did a mess of ozoning at a Nassau county (L. I.) sanatorium, is a new arrival at the Rogers.

Tudor Cameron, who has been handed Nov. 1 go-home papers, is pencilled to open at the Arlington hotel, Hot Springs.

(Write to those who are ill).

•15 YEARS AGO• (From VARIETY)

Joseph Schildkraut involved in dispute with Schwab & Mandel over his ability to continue run-of-the-play contract in "The Firebrand." Finally convinced the managers, through doctors, that his heart condition wouldn't permit his continuance.

Signs were increasingly pointing to Wall Street money as being behind film production. And, in the opinion of many, that the film biz was establishing a trust.

William Gaxton and his wife, Madeline Courtney, were signed for a new musical, "All for You," to be produced by Frisco by Thomas Wilkes. Gaxton had been touring the Orpheum circuit with Mrs. Gaxton.

Walter Hampden was to have Ethel Barrymore as Ophelia in his Hamlet when the drama of the Melancholy Dane was to be revived by Hampden on Broadway during the season.

Smith and Dale, survivors of the old Avon Comedy Four, seemed likely to eclipse the old time act. The new turn bowed at the Palace, Broadway, and was clicko.

After 65 weeks on Broadway the "Follies" was going on the road. It was the longest run ever had by a Ziegfeld revue. Average takings had been \$33,000, with the early weeks chalking up \$40,000.

Charles Dillingham's new production, "Sunny," starring Marilyn Miller, was disappointed in its Philly debut. A lot of work had to be done to the book, score, dancing and general staging before it was ready for Broadway.

MOSQUE, NEWK, IN QUICK FOLD

The Belle Dow-Al Rogers operation of the Mosque theatre, Newark, N. J., as a vaudeville ran the gamut of but only show and four days, folding Sunday night (15) after opening the previous Friday (13). Opening show was topped by Ed Sullivan, New York Daily News columnist, and that tab's Harvest Moon ball winners.

Gross business on the four-day operation was less than \$17,000, with the biggest day, Saturday (14), showing only a total of \$450. Dow-Rogers tried to stimulate trade by passing out hundreds of cut-rate passes on Newark's street corners before the opening of the house, but evidently the Newark populace didn't consider the show a bargain at any price.

Reports on how much Mrs. Dow and Rogers dropped in the short-lived venture vary, but the most reasonable estimate is around \$4,000, including pre-opening advertising, etc. Theatre, long a white elephant, is owned by the Prudential Insurance Co., which leased it to Dow-Rogers.

In contrast to the Mosque is the fine business being done by the A. A. Adams vaudeville, formerly the Shubert and now named after the operator. Last week, with Joe Venu's orch and the Andrews Sisters, this house grossed \$12,400. This week, with Bob Chester's orch, Bert Wheeler, Barry Wood and Ruth Lowe, it's figured to do around \$14,000.

Eddie Sherman, who operated the Shubert last year in opposition to Adams' Paramount, thereby costing each other a barrel of coin, is now booking for Adams, having replaced Al and Belle Dow.

B'way—H'wood

Continued from page 3

Play drew a doubtful press but continues. Other major film companies have not indicated whether they will back shows this season despite the amendment that one or two others are ready to participate if the scripts are rated "unusual."

It's again being claimed that the problem of finance is holding back the new season, which is why the managers are again striving to revive the alliance between Broadway and Hollywood.

Sock N. Y. Nitory Season Expected; Flock of Openings on the Schedule

These are hectic days for gadabouts to keep abreast of the new and sundry "openings," and it points up anew that this season promises to be one of New York's sockiest nitory sessions. A flock of cafes are set to go or have just opened.

For example, last night (Tuesday), Jack Harris, repatriated from Ciro's, London, debuted his band with a formal preem at the Stork, first time that Sherman Billingsley's boite has gone in for name bands. Coq Rouge opens tonight. (Wednesday) will be the Hotel Shaw, stage and radio songstress, and Val Ernie's band. Greta Keller, Viennese songstress, reopens the Hotel Algonquin.

Unit Review

Billroy's Comedians

Anderson, Ind., Sept. 12. Emmett Miller, Jimmy Heffner, Luana, Billy Wehle, Jack Carter, Al Pitts, Saugettes (5).

Remnant of the vanishing tent-show, "Billroy's Comedians" paused here today (12) in the midst of a 38-week tour which will end late in December at the show's headquarters, Valdosta, Ga. A sharp dip in temperature beat the unit here by a scant six hours, resulting in a house of not more than 500 who shivered through a two-hour presentation which at its best is none too torrid.

Management claims satisfactory takes in most of its stands this summer, the 17th annual Billroy tour. About 50 persons man the show. Performers are given a hard workout, doubling in everything but the popcorn stand. A four-masted tent houses canvas benches and a limited stage. Included is a seven-piece orchestra would should tune up.

Nearest thing to a headliner is Emmett Miller, blackface claimed to have been eight years with Al G. Fields. He plays the best minstrelsy tradition, using gags and skits which were scuttled in 1928.

Customers paid their hard-earned quarters in the hope of seeing nudity gone. Either the climate was too frigid or the show doesn't follow up its advance promises, for nary an abdomen was exhibited despite leader tesser by Billy Wehle, whose ingratiating patter is heard intermittently throughout the routine, and who earns the only genuine laughs of the performance.

Framework of the show is a three-act play, "His Ace in the Hole," which is so bad it's hard to conceive why the seven members of the cast didn't hoke it up long ago. There are a number of comic people and the old homestead. Yet it's played absolutely straight with any number of solemn-faced asides. Strictly 1905 stuff throughout. Interspersed are various specialties by members of the chorus (5) and the play cast.

Glowing terms describe the "concert" to follow, at a slight extra charge. Ticket purchasers who insist on the extra tariff get a big jolt in the afternoon, when it turns out that the same five amply-clothed females are running through the same routine seen earlier, with the highly-touted Luana turning out to be a member of the chorus after all. Her costume wouldn't curdle the blood of a 1920 suffragette. It's disappointing to the yokels, and not likely to breed favorable word-of-mouth.

It's a type of show which appeals to a certain class. The girls aren't bad to look at—at least two are definite lookers, and all are young. A modicum of talent is exhibited by several specialty artists, but whatever chance the tent-show has is killed by the worn-out play which occupies half the running time, and severe disappointment in the "terrible" aftermath.

To the show's credit is the fact that the bounds of good taste are seldom transgressed here being one or two minor lapses. Highlighted are Jimmy Heffner, burley-type comic, and Jack Carter, who sings. Heffner suffers from inadequate material. Werk.

Supper Club Oct. 9. Herbert Jacoby reopens the Hotel Brevort's Supper Club early in October with Virginia Morley and Livingston Gearhart, just closed at the Hotel St. Regis, and with Norbert Faconi also returning.

Also in the Greenwich Village sector, the Russian Kreitchka has reopened with Adia Kusnetzoff, Marusia Sava, Nastia Poliakova, Simeon Karavavef, Mischa Usdenoff, Michel Michon and Nicolas Matthey's tzigan orchestra.

Eddie LeBaron is another of tonight's debuters, coming into La Conga with a supporting show including Rosita Rios, Calvan and San Souci Danciers, Harris, Claire and Shannon, Gloria Belmonte and Ramon Seranno and Johnny Rodriguez.

Another Latin spot, La Martinique, under Dario and Jimmy Vernon's aegis, premed last week with a show headed by George Tapps, Harris and Shore, Carlos Ramirez and Val Olman's band. Still another Latin nitory, El Chico, the No. 1 cafe in Greenwich Village, celebrated its 15th anniversary under Benito Collada's direction last week with a new show that includes Norma Lucero, Juan Jose Saro, Joyita and Maravilla, Jose and Paquita, Los Aztecas, Don Alberto's band.

Hildegard's Dated

Hildegard has returned to the Hotel Savoy-Plaza's Cafe Lounge; Eddy Duchin and Gowe and Jeanne to the Waldorf's Starlight Roof; Cross and Dunn to the Versailles; Russ Morgan shifted from the Pennsylvania Roof into the hotel's Coq Rouge; El Morocco reopens Sept. 25 with Jack Brown's band; Emile Boreo and Eddie Varzo's band switch from the St. Moritz's roof to the grill; Dan Healy and Helen Kane open their new spot on the site of the old Mon Paris on the 28th.

Still another Latin spot is the Club Cuba, new East 54th street cafe, under Bobby (ex-La Conga) Martyn's direction, opening tomorrow (Thursday), with Eliseo Grenet and Machito's bands. Further in the new South Seas idiom are the Hurricane which debuts a new show tonight, again headlined by Romo Vincent, with Enrico & Novello, Deane Janis, Carole & Sherod, Alma Ross and the Eddie Bush and Chicuto bands. Monte Proser premed a new show at his Beachcomber last night (Tues.) including Betty Allen, doubling from "Du Barry," Reul and Eva Keyes, and the Chavon and Sonny Kendis bands.

Hotel St. Regis' Iridium Room opens Oct. 3, with Hal Saunders' orchestra, the first time that a band from the Roof has moved down to the Iridium for a return engagement. The new ice show, directed by Gustave Lussi, will star Dorothy Lewis and the Heasley Twins, along with Bill and Betty Wade. Jules Lande concert ensemble will play for lunch and cocktail time.

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BURLEY LURES VAUDE ACTS

Equity, AGVA in Jurisdictional Row Over Ice Show, Dante's Magic Unit

Latest jurisdictional dispute plaguing the already complicated theatrical union picture broke out this week between Equity and the American Guild of Variety Artists. Issue is representation 'over two shows, the forthcoming 'It Happens on Ice' at the Century N. Y., and 'Sim Sala Bim,' the Dante magic show at the Morosco, N. Y. Equity conceded jurisdiction over the latter to AGVA. Question of representation over the ice show is to be settled Friday (20) by the international board of the Associated Actors and Artists of America, parent organization of both unions.

Previously all ice shows have been represented by AGVA, such presentations including the Sonja Henie production that played Madison Square Garden, N. Y., last season, as well as the 'New York Ice Revue,' which recently toured, another at the New York World's Fair and still another on the Coast. AGVA negotiated a contract some time ago for 'It Happens on Ice,' but the deal has never been signed. It calls for the regular AGVA minimums for such productions—\$60 a week for chorus skaters and \$125 for principals. In case Equity were given jurisdiction its minimums of \$35 for chorus and \$40 for principals would presumably apply.

'Happens' Refused to Sign

According to Hoyt Haddock, AGVA executive-secretary, the 'Happens' management has refused to sign the contract with his union and is trying to have Equity take jurisdiction so it can get by for the lower minimums believed possible under the latter organization. He asserts Equity quickly bowed out of the picture in the case of 'Sim Sala Bim' when it was discovered that only the headliner, Dante, gets a sizeable salary. Haddock claims that the 20-odd minor performers in the magic show are the ones who need union protection, so AGVA last Saturday (14) signed a contract for the show, as a result of which a Sunday night (15) performance was given, grossing a claimed \$1,500.

Contract for 'Sim Sala Bim' calls for \$30 a week for feminine 'assistants' and \$25 for male 'assistants.' Parts previously paid amounts varying from \$12 to \$20, Haddock says. Agreement calls for AGVA show, so all members of the cast will have to join the union. That will cost them \$5 initiation fee and \$3 quarterly dues, or \$10 initiation fee and \$4 quarterly dues, depending on whether they're classed as chorus members or principals. They are guaranteed at least two weeks' engagement with the show. One or two were already members of Equity. They have not yet joined AGVA.

In Legit House

In claiming AGVA jurisdiction over the ice show, Haddock asserts that not only has his union been exercising jurisdiction over such shows without Equity protest since AGVA was formed, but points out that Equity's only claim to the representation is that the show is being presented in a house normally used for legit. Designation of the show, according to the house, failed to apply in the case of 'Sim Sala Bim,' however, he declares, as the magic presentation is in a legit theatre.

Neither the Equity nor AGVA charters from the Four A's specifically mentions ice shows or magic shows, so the matter of jurisdiction is an open question there. However, it is generally conceded that AGVA has exercised the jurisdiction over both types of entertainment in the past. Current squabble is the latest in a number of similar brushes between Equity and AGVA and, before formation of the latter union, between Equity and the defunct American Federation of Actors. Shows involved in such disputes have included 'American Jubilee' at the New York World's Fair, 'Railroads on Parade' at the same spot, 'Hellzapoppin' prior to its opening two seasons ago, the shows at the former American Music Hall and several others.

Austin Operates Unit With J. J. Jones Shows

Louisville, Sept. 17. Gene Austin, since closing his own show in the Carolinas, is currently operating a midway unit, 'Blue Heaven,' with the Johnny J. Jones Shows, playing fair dates. Austin has the assistance of a girl team, dancers, an announcer, and for bally a hillbilly quartet of instrumentalists. Show is doing nice biz.

Austin plays an average of seven shows daily, and makes frequent appearance on bally platform. Other units on the midway average from 13 to 15 shows, but Austin confines himself to fewer appearances. Works at a small piano, with gale doing a mild strip number while Austin is vocalizing. While in town, Austin was considering a proposition to do a network sustaining show, to key out of Louisville.

BURLESQUE AID GIMMICK NIXED

Milwaukee, Sept. 17. If the Empress, burley house here, can't get along without hawkers of candy, crackerjack and sex books in its aisles it's not going to get along at all. And, apparently, it's not going to get along at all.

Operators, who have in the past been bankrolled by the concessionaires, are being importuned by the same agents to open the house so they'll have an outlet for their wares. Impresarios claim the pitchmen break into the performance and insult the customers and say they will not open the house unless coin can be raised from other sources, which do not appear to be forthcoming.

Mills Bros. Return To U.S. After Sock Biz in So. America

Buenos Aires, Sept. 17. The Mills brothers, rated the biggest draw to come to South America in years, have sailed for New York, after four months' tour which would have been extended save for low currency values in West Coast countries. Leaving New York April 15 with Arthur Lake, of the Rockwell-O'Keefe agency, the 'brothers' arrived, they cleaned up in six weeks at Rio and did slightly less here despite the greater size of the town. Due to the fact that there is far less emphasis on U. S. vaude talent and no real place for displaying it in B. A.

Lake sought to bring the boys home via Chile, Bolivia and Peru, but a check showed that the dollar value of the peso was way down and declining further, so he decided to call it a day.

DWIGHT FISKE INVOLVED IN CHI UNION WRANGLE

Chicago, Sept. 17. Dwight Fiske, though booked into the Colony Club here, may not be allowed to show because of failure to join the American Federation of Musicians. He had a three-week contract at the Colony for \$1,250 per week, and the Club has asked him to 'postpone the date.'

Pianist appealed to the American Guild of Variety Artists, but the latter could not help him because neither the club nor Fiske had an AGVA contract.

MIDWEST OFFERS 14-28 WK. ROUTES

Longest Circuit In Show Biz Finds Conditions on High Plane — Enhances Values of Theatres and Gives Them Novelty

GOOD FOR BREAK-INS

Chicago, Sept. 17. Burleycue is offering the longest and most substantial route in show business, and the enticement of a long, sure circuit is sending many standard vaude acts onto the burley stages where they find conditions on a comparatively high plane.

Here are some typical vaude acts who have signed for burlesque routes out of Chicago: Pinky Lee and Co., Three Ryans, Paul Kirkland, Bob Carney and Co., Hickey Levan and Boles. These acts are getting guaranteed contracts of a minimum of 14 weeks and some of them are set for a twice-around run of 28 weeks.

This time in the Midwest wheel is cooperative circuit of burlesque houses running from Chicago to Boston, with most of the bookings handled through Milt Shuster office and N. S. Barger, operator of the Rialto here and builder of many of the co-op shows.

Towns on the circuit are Chicago, Boston, Minneapolis, St. Louis, Detroit, Milwaukee, Cleveland, Toronto, Youngstown, Akron, Toledo, Cincinnati, Indianapolis, Buffalo, Rochester and Syracuse.

Each House Builds Show

According to the setup each house is supposed to build a show and send it around the circuit, but because of talent availability it works out that a large number of shows are built here by Barger at the Rialto. However, also extremely active in turning out these wheel units are Max Michaels in Boston, and Arthur Clamage, who has four spots, in St. Louis, Detroit, Indianapolis and Cincinnati.

With 14 weeks on a solid basis, the Midwest inducement is something that few acts can resist in these days of sporadic vaudeville, and the acts playing the time are finding none of the old-time censorable stuff. In general, the stripping is little different from the peeling done by dove and fan dancers in vaude and certainly in the lesser night spots.

Burley Operators Happy Burlesque operators are reported extremely happy with the vaude acts, which have given their shows a basis of novelty that takes 'em away from the moth-eaten burley show routine of short skits, a chorus number and a stripperoo. It has also raised the calibre of their talent, which had been deteriorating in recent years.

Standard acts who have been doing the same turn for years also find the burlesque time a perfect spot in which to break in new material. They do their regular act in one spot on the show and then come back later to break in new stuff and feel that they can come off the 14 or 28 weeks of wheel time with a new and fresh vaude act that has been tried and proved over real break-in route.

Vaude Duo Ask 221G

Los Angeles, Sept. 17. Damage suit for \$221,000 was filed in Superior Court by Al Stone and Ann Lee, vaudeville team, against Music Corp. of America. Litigation is based on their discharge from the Danny Dore revue, currently at Coconut Grove.

Among the eight charges the complaint are fraud and plagiarism. One of the plaintiffs is that they paid for the material being used in the Dore show.

Philly AGVA Backs Kelly at Stormy Session; Assault on Haddock Tried

Jessel Unit Returns Vaude to Philly Earle

Philadelphia, Sept. 17. George Jessel's Hollywood unit, now on tour, heads the opening bill at the unveiling of vaude at the Stanley-Warner Earle next Friday (27), the first stage show attraction at the delux since last December when a squabble with the musicians union caused the circuit to drop its house bands. The dispute was settled last week.

Jessel's unit during its stand here will include Rochelle Hudson, Jean Parker, Steffi Duna, Lya Lys, Isabel Jewell and Jean Manners.

Other bookings for the coming weeks include Jimmy Dorsey's orch, Vilma and Buddy Ebsen, Andrews Sisters, George White's tab 'Scandals' and Glen Gray's orch. Also set are Sophie Tucker, Harry Richman and Joe E. Lewis, depending on the date of their windup at Ben Marden's Riviera, Englewood, N. J.

BICYCLING AMS. NEW S.F. STUNT

San Francisco, Sept. 17. Bicycling vaude is latest stunt here. Deal has been completed between Nasser Bros. theatres and Dean Maddox, 'Budda,' of KFRC amateur hour, whereby the amateurs will bicycle between two of chain's houses in weekly Sunday night sessions starting this week (22).

Talent on either show, air feature for past five years, will do 7:30 p.m. stunt at New Mission, then will jump to New Fillmore for 8:45 p.m. turn. Houses are deluxe nabs, playing day-date duals. Sunday night units will comprise half-dozen acts with Maddox as m.c.

Ella Shields' Head Hurt; Margie Coates Slugged By Panhandler in N.Y.

Two principal entertainers at Jimmy Dwyer's Sawdust Trail cafe, N. Y., drew unlucky breaks last week.

Ella Shields struck the top of her head in a taxi, a large lump being raised. Doctor advised her to rest for a few days after treatment.

Margie Coates was slugged by panhandlers as she was walking through 64th street to her hotel. She had refused them a handout and one crept up and struck her from behind: Muscles under Miss Coates' right eye have been paralyzed since then but she remains in the show. In addition a barman suffered a heart attack after reporting for duty and expired several hours later.

PIPING ROCK, SARATOGA, PASSES INTO NEW HANDS

Saratoga Springs, N. Y., Sept. 17. The Piping Rock Club on Saratoga Lake, operated for past 10 years on a lease by Peter J. Sullivan, has been taken over by the Flat Rock Corp. Sullivan's lease expired.

A group of Saratoga Springs and Fort Edward residents hold the stock, part of which is owned by Alfred S. Pepper, of Newman's Lake House, another local nitery.

Calgary's Band Shows

Calgary, Alta., Sept. 17. Weekly stage shows have been resumed at the Palace, Calgary, with Sonny Fry's band supplying the entertainment.

Philadelphia, Sept. 17.

Members of the Philadelphia chapter of AGVA voted last night (Tuesday) to withdraw from the national organization 'until the Communist element is removed' from the union. Action was taken by a group of late-stayers who went back into a huddle after a long and stormy regular meeting had finally broken up. It was not known last night whether the vote would be considered official by the union's national board, as the Philadelphia meeting was an informal one and it was not known what percentage of those present were paid-up members with the right to vote.

No comment on this latest development in the hectic situation was available at press time, as all the AGVA national board members who had attended the Philadelphia session were on their way back to New York. Presumably they were informed of it on their arrival home.

With six members of the national board present from New York as observers, the local chapter of the American Guild of Variety Artists voted complete endorsement of ousted local executive-secretary Thomas E. Kelly at a meeting today (Tuesday) at the Commodore hotel. Detectives were on hand to keep the raucous session from turning into a riot, and, as the national board members were filing out one of the Kelly champions took a punch at Hoyt Haddock, national executive-secretary.

Although the meeting was called merely to provide an opportunity for expression of membership sentiment, it was quickly turned into a 'hearing' of the charges on which Kelly had been ousted. Local president Johnny Leary presided, but Kelly did most of the talking at the gathering. After ridiculing the charges against him, he launched into a tirade against Haddock, whom he charged with being Communist and plotting with certain local members to dictate the policies of the chapter. Kelly was repeatedly cheered by the crowd and all accusations against him were greeted with boos.

Barto Explains

Neither Haddock nor the national board members spoke, although Dewey Barto, national president, explained at the start of the session that he and the others were there to 'see for ourselves' what the situation is. At the close of the stormy meeting the gathering voted not only for the immediate reinstatement of Kelly, but to bar any Communist, Nazi or Fascist from AGVA membership. As the New York delegation left and the attempted attack on Haddock was halted by detectives, there were shouts by local members that 'we don't need AGVA' and predictions that if Kelly is not reinstated by the national board a faction of the local chapter would split off from the organization and form its own union. Despite the overwhelming vote for Kelly today (Tuesday), decision on whether he is to be reinstated or his ouster as local executive-secretary be confirmed will be made by the national board in New York late this week. Accused official appeared at a hearing before the board last Friday (13), when Haddock pressed charges against him. Board members who attended today's meeting here are to report back to the full board before the final decision is reached.

In addition to Barto, national board members who attended this meeting were Charles Arno, Helen Sanford, Emily Marsh, Alan Corelli and Dave Fox. Haddock session was still in progress as they left, but they had to hurry to catch a train back to New York, where some of them are appearing in shows.

Shirley Ross, Buck and Bubbles, Don Francisco, Ben Yost's New Yorkers, Gae Foster Girls, Paul Ash House Orch; 'Hired Wife' (U), reviewed in VARIETY, Sept. 11.

Lower floor about two-thirds full at first performance opening Friday (13). Re

STANLEY, PITT

Pittsburgh, Sept. 16.
Mickey Rooney, Max Baer, and
Judy Garland (16).
Jackie Beekman, Robertson and
Martin: 'Dr. Kildare Goes Home'
(M-G).

WB deluxer swings back to flesh with Mickey Rooney unit after more than three months of straight pix, and has picked itself a socko re-opener. Only trouble is that it's a heavy momentum, inasmuch as house hasn't yet decided on presentation policy as a regular thing for fall and winter season. Following Rooney, house returns again to film fast comedy, exclusively with 'No Time for Comedy' (UA) and after that may or may not stick in a couple of consecutive stage shows. The only what big names are available, management says.

Anyway, the WB site should cash in handsomely this week and may even go on to a new house record, with Kay Kyser's \$36,000. They were lined up for blocks at opening, with steady line all day long, and the cinema's Andy Hardy gave the cash customers their money's worth.

There ought to be a law against kids like Mickey Rooney. He's too good, too talented, too amazing; parents will probably go home and beat their offspring for not having seen of this phenomenal jack-of-all-trades from Hollywood. On the screen, he may be Andy Hardy, Tom Edison or just plain Mickey Rooney. On the stage he's a one-man vaude show. The squirt does everything, and does it well; he writes songs and sings them; he takes off Clark Gable, Lionel Barrymore, and even plays the drums like a Gene Krupa and the piano like Eddy Duchin; dances like a miniature Jack Donaghy; cups an audience's hand like a combination of Jack Benny and Eddie Cantor, and beats his brains to see that the mob gets its money's worth. Seemingly there's never been another youngster, either in flesh or celluloid, like him, and whatever the Stanley's paying Rooney this week isn't enough. He's the seven wonders of show biz.

Unit's practically a foregone conclusion, of course, and he's all that counts with the crowd. They're impatient until he gets on, and then won't let him off. It's foolish to try to hold the curtain for an announcement after his exit. Idea is to empty the house for a turnover by telling customers they can get autographed pictures of juvenile star in the film. But they should be a closing announcement in one instead of on fullstage. Jackie Beekman, the m.c., stands there for at least three full minutes to get in his few words, and then is saluting for Rooney continues.

Opening turn has Robertson and Martin in some average hoofing, including tap and snake-hiss rumbas, that would be better left to the boys they'd scissor some. Under ordinary circumstances they're on too long, and when Rooney's in the offing it seems twice as long. The boys are working Judy Stanley, next to whom over 'Can't Brush Me Off' (as if anybody would want to), 'Imagination' and 'Boog It', returning later for a flirtatious routine with Rooney and to do 'Our Love Affair' with him. Later is a tune which Mickey and Judy Garland do in their forthcoming release, 'Strike Up the Band' (M-G). Other acts are Lazanders, three men and a gal in some tumbling that's absolutely impossible. One of the best of the acts going in the biz, Lazanders had to get off even before they could get themselves into a lather waiting Rooney. Beekman is an m.c. who does nothing but straight announcements, and Max Adkins house band is on the stage throughout the evening, giving okay cooperation for everybody and everything. Adkins went up to Cleveland earlier in the week to catch the unit, and had the stuff down pat for the opening.

Cohen.

KEITH'S BOSTON

Boston, Sept. 12.
Troy and Lynne, 'The Four
Al Bernie, Rosita Royce, Milton
Douglas with Priscilla, The Four
Vernons: 'Laughing at Danger'
(Mono) and 'Stage to China' (RKO).

Satisfactory show on paper, but did not play as well when caught at opening performance. Rosita Royce and the dove dance are new to this vicinity and her act is a bit better of the novelty angle. Routine is short, nicely timed and produced with simple, effective showmanship on full stage. Backed by good exploitation, the show is a little something to the bo, here this week. Al Bernie, also prominently billed, comes back for one of his regular acts. As usual, impersonator spiffs up his act with a few new numbers and showmanly ideas that make him worth catching every time. Adds some comedy patter to his routine, in the standard m.c. manner, but this does not compare with the quality of his other work. Does an Edgar Bergen imitation with a McCarthy dummy for a brief bit, ribs the musical dainties now heard in one-minute commercial spots on the air. (Probably as before with his names Stewart and W. C. Fields impres-

sions. Like the rest of the show, Bernie fake a crew of customers that might have been just released from a cold storage plant. Taking care not to make his laughs, the lad came through neatly.

Milton Douglas and Priscilla shoot across some fast comedy a bit beyond the ken of this particular mob, which whooped for more when this duo approached the blue. Douglas is okay except for a tiring mannerism of clenching his necktie and hiding his kisser in the curtains to wait for the laughs.

Troy and Lynne open with conventional stage eccentric and encore with a smart, burley impression of collegiate jivers. Four Marshalls, deuce, vocal quartet, barely smile interest with 'Ohio'. Never Smile Again and 'I Am an American', but get good attention with their version of 'Gray Goose Is Dead'.

Four Vernons, closing, offer a smooth adagio turn that has little novelty to make it stand out among other acts. They are, however, a clean, competent troupe holding interest all the way.

Larry Flint and house band in pit this week, playing a ragged first show, below their par. Fox.

COLONIAL, DAYTON

Dayton, O., Sept. 14.
Ben Bernie Orch, Don Saxton, Dale
Winthrop, Johnny Ryan, Bailey Sis-
ters, Del Rios, Sheg and Raymond;
'The Great McGinty' (Par).

Returning after several years' absence, Ben Bernie Orch, plus several other entertainers, puts on an excellent show. For time seems that all the humor is to come from Bernie himself, principally with cracks on Winchell, but half-way through the real fun begins and the program ends up in rather whirlwind style.

Bernie makes his early appearance with cigar and violin, but the violin is practically a prop. The cigar, of course, is not.

Four soloists are carried, the Bailey Sisters, Don Saxton and Johnny Ryan, an Irish lad who has but recently joined the outfit. Each has his or her own offering and when it comes to the patriotic thing, 'I Am an American,' all take a hand, plus Bernie.

Saxton handles 'Old Man River' and 'Fools Rush In' well, giving the songs feeling and displaying splendid stage technique. Rios enhances such tunes as 'Irish Lullaby' and 'Never Smile Again'.

The Bailey Sisters could not give the audience enough of a catching, opening, and 'Playmates,' doing their own slick version of 'Man That Comes Around' and bowing out with 'Mr. Meadowlark'.

The applause number is the handsand of the Del Rios, two men and a girl, whose turn's one this stage has seldom seen. Another high spot is furnished by Sheg and Raymond, one a snaky, goody guy who can outstage a startled fawn. The boys do eccentric taps and burlesque varied styles of dancing. Dale Winthrop does fast taps.

The band plays a minimum of numbers, but the wit of this type, opening with a swing version of 'Nobody's Baby,' tearing through a hot version of 'Johnson Rag,' and winding up with 'Madame La Zouze' and the other stereotyped melody of band identities.

Keny.

EMBASSY, N. Y.

(NEWSREELS)

Whether it be stock shots or spot news, the Embassy this week is loaded with an interesting layout. Particularly prominent in the wealth of material is Paramount, its most notable clips being those on the Ken-til, N. J., powder-plant blast. The bombing of Buckingham Palace, of course, though treated in an exclusive manner by Par, isn't shown, but the interest is there through the use of some library shots.

Refugee royalty comes in for some prompt state comm. Metro show, respectively, Prince Bernhard of the Netherlands and King Haakon of Denmark, both of whom are in England with the British forces. Ex-king Carol of Romania is given stock treatment following his abdication and flight, but there's nary a sign of Magda Lupescu.

President Roosevelt emphasizes his showmanship and ability to hold an audience, whether it be Democrat or ex-Democrat, in an anti-war address backed by Metro. Wilkie is shown by Pathe stressing campaign points.

Veering from the European theatre of war, Metro catches the Chungking bombing by the Japanese. It serves as a reminder of the Sino-Japanese conflict, which has practically been forgotten by those in the Western hemisphere in the light of the intensity of the Nazi blitz against the English.

Generally treated in interesting fashion by the various reel companies. There are clips, among others, on national defense (Fox), British aid (Paramount), and a new Fox, and—if it's all new—Maine goes strictly Republican (Par).

PALACE, CLEVEL.

Cleveland, Sept. 14.

Will Osborne Orch with Dale Jones and Dick Rogers; Masters and Rollins; 'Alexander's Weekly' Public Deb. No. 1 (20th).

It's fortunate that the Palace has two co-headliners on current layout, which would be lost without Will Osborne's band. Second half of bill consists of Stanley Fields, Hollywood heavy who proved a thudding disappointment. Character actor of underworld thrillers walked in with his hat and an incredible act apparently thrown together on the train, forcing Osborne to save the day.

Latter does exactly that on his first date here in about five years. House has had some topflight swing outfits lately but for smart vaude entertainment and finesse, Osborne makes quite a few of them look like beginners.

Nat Holt obviously went out of his way to give band a flattering hand some stage set of rich, new drapes. Orchestra returns the favor with a load of slick, sweet swing. Although none of the numbers is new, the boys whirler slide effects as well as a galvanizing version to 'Tuxedo Junction,' one of Liszt's Hungarian rhapsodies and 'Rhububogie.' Local rugcutters may not find his live not enough but Osborne's orchestra, his opener, earned an unusual loud hand from regulars.

Dale Jones and Dick Rogers, featured vocalists, also go over. Gravel-throated Jones' minstrel version of 'Nobody's Baby' is refreshing, and his version of 'I'm a Fool for You' is 'Chestnut Street.' Band impersonations of troupe caught best howls.

Emerald Sisters, a couple of acrobatic half-pipers, make up for lack of size with snacking backfalls and well-liked act. Middle spot also given power by Masters and Rollins, whose bright turn of gab and shagging travesty lingers in the mind.

Fields may be a tough underworld type on screen, but he gives just the opposite impression here. Wearing a shiny blue serge suit for opener, he was as good as a child's six-year-old kid in with a child's day recitation.

Weekend attendance just fair. Pulten.

STATE, HARTFORD

Hartford, Sept. 15.

Sammy Kaye Orch with Nonchalant (3), Gertrude Briefer, Lillian Mack, Tommy Ryan, Charles Wilson, Sam Kaplan house band; 'Up in the Air' (Mono).

Unlike most other name bands, Sammy Kaye doesn't depend on straight-styled music dished out against a blank and often eye-straining backdrop or curtain. He's gone in for production, namely synchronization of settings and music, thus selling through the visual and auditory senses. He's got youthful Leo Morgan with him as stage manager and the chap is doing an ace-high job of giving the customers a harmonious blend of three ingredients, music, lighting and settings.

Show is here as a package deal and consists, besides the band, of three acts neatly tied into the divertissement. Kaye's novelty, 'So You Want to Lead a Band,' which he introduced at the Hotel Commodore N. Y. last year, is checkbook of belly laughs and a definite clip. In it he selects four volunteers from the aud (two males and two females) who wave a baton in front of the orch. Patter with Kaye, sometimes to their embarrassment, and the resultant discordant music are good for laughs.

Show's opener is pit band's offering of 'Goodbye, Bye, Bye.' It's a line which the Kaye aggregation themes out from behind closed curtains, with part of the band offering a medley of several tunes which Kaye introduced. Rings the bell with the 'Old Steps Forward' to effectively warble 'Band Steps Garden.' A novelty wild west number climaxed with capgun shooting sets the pace for 'Crisis Cross,' ventriloquist appears with a dummy attired as cowboy. He's tops as a ventro and puts himself through several difficult paces, including the use of a puppet dancing. Rings the bell with a miniature piano in which the right keys are struck to produce a tune is also very effective. Encores with version of 'Old Man Mose,' an aged, creaky, in well-handled routine of legmania.

With adroit pruning and speeding up, turn should be able to find a spot in more ambitious surroundings. Spotlighting in complete blackout would also help. Burn.

TINY DOUGLAS AND HAVANA BAND

15 Mins.

State, Sydney

Douglas has been around for the Fullers and Williamson-Tait, finally debuting in this spot for Greater Union Theatres. Setup pleasing, but not musically exciting, with no new ideas entailed in the 15 minutes. Freddy Goldman, boy soprano, took a major applause with 'Blue Danube.'

Douglas will probably get by for a short term in picture houses, but will not bring anything extra to the boxoffice. Rik.

with some skillfully executed acrobatic dancing.

Tommy Ryan, vocalist, a standby with the band, does okay with 'Breeze and 'Sierra Sue,' neat arrangement. 'Bye Bye Blue' is not bad offering with the maestro dropping his role of baton swinging for some brief clarinetting. Three Nonchalants, with their standard hoke and a bang-bang finale, give an excellent account of themselves. Finale is the 'So You Want to Lead a Band' novelty.

Weekend biz good. Eck.

HIPP, BALTO

Baltimore, Sept. 15.

Linda Moody, Shirley Howard, Tommy Riggs and Betty Lou, Nan Rae and Maude Davis, Adrian Rollini Trio, Phil Lampkin House Orch (14); 'The Ramparts We Watch' (RKO).

Billed as 'Radio Stars on Parade,' current layout has some okay entertainment but doesn't build as effectively as it might. More sight could be had, but then acrobats couldn't be called 'radio stars,' and so the appeal is limited. At that, Linda Moody, slightly hofteroo, who opens the doings, wouldn't really belong either, but she's introduced as a future television star, so all seems fair and nobody's hurt.

With Phil Lampkin's house orch on stage and maestro handling the emceeing as well as the baton, show opens with orchestral workout of a medley of Rudolf Friml numbers. Flashily sold by Lampkin, who has succeeded in building his combo into potent musical aggregation, venture earns an audible hand and sets matters very much in motion.

Following brace of rather over-long tap routines by Miss Moody, Shirley Howard steps out for vocals. Does 'I'll Come to You,' 'Fools Rush In,' 'Breeze and I' and 'I Can't Resist You,' all smooth in rendition and vocally legit. A recording name of sorts, she registers extra well in low tones which give her a distinctive stamp of song salesmanship.

Nan Rae and Maude Davis are a quick repeat. They wow three weeks ago, they are back with some new material and a switch of routine. Know how to time a gag and business of a quick dance, they tempt to do her stuff for the public is good for an almost continual howl. Closing song and dance is a solid showstopper.

Tommy Riggs surprises the audience which learns that his Betty Lou is Riggs himself, sans dummy. Good ventro material and clever simulation of a moppet earn a beg-off. Makes a perfect spot for the Adrian Rollini Trio to close in socko style.

Trio, consisting of vibra-harp, bull fiddle and guitar, swing out in catchy modern arrangements highlighted by interludes of swing pop and jazz. Give a highly contagious brand of rhythm which catches on with subholders and grows in rising proportion to a bell-ringing series of curtains. Versions of 'Crisis Cross,' 'Hallelujah' and 'In the Mood' are decidedly in the groove.

Biz okay. Burn.

New Acts

CHIQUITA

Marionettes

11 Mins.

Two O'Clock Club, Balto.

Spanish name is misnomer for rather wholesome looking femme working marionettes on small portable platform. Handling the strings in full view of audience, she contributes a rather novel pace-changer for the average floor show.

As projected at present, turn is a trifle slow in pace. Working a top-per-and-tails-doll on a spree, she takes him through a brief routine of hokey, acrobatic and a realistic hanger that scores very nicely. Manages to make the tapping in the dance session quite lively and in tempo. But at the miniature piano in which the right keys are struck to produce a tune is also very effective. Encores with version of 'Old Man Mose,' an aged, creaky, in well-handled routine of legmania.

With adroit pruning and speeding up, turn should be able to find a spot in more ambitious surroundings. Spotlighting in complete blackout would also help. Burn.

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Douglas will probably get by for a short term in picture houses, but will not bring anything extra to the boxoffice. Rik.

LYRIC, INDPLS.

Indianapolis, Sept. 13.

Blue Barron Orch, Russ Carlisle, Charlie Fischer, Alan Holmes, Ronnie Snyder, Stu Debonairs, Joe May and Coq Wilkey; 'Sing, Dance, Plenty Hot' (Rep.).

Blue Barron orch moves into the Lyric this week for its first appearance in town. The band, filled with members who can step down front for some specialties, also click when the instruments are working, giving the customers a nifty 72 minutes of stage fare.

Band, consisting of five rhythm, two trumpet, two trombones and four sax, proves smooth in interpreting modern clefs. Open with 'I Want to Be Happy' and before the stoppage of 'Doll Dance,' 'Tuxedo Junction,' 'Do I Love You' and 'Dancing in the Dark.' Charlie Fischer sings 'Down by Ohio' and 'Must See Annie Tonight,' apparently being assisted by the band's band's library. The romance department is handled by two of the lads, Alan Holmes sings 'Nearness of You,' 'Sierra Sue' and 'Night and Day.' He also proves his versatility by playing a number of instruments in the road and brass divisions. Russ Carlisle steps up the tempo of feminine hearts in the audience with his rendition of 'Can't Get Indians Out of My Mind.' 'Never Smile Again' and 'Blueberry Hill'.

Ronnie Snyder, guitarist, has a neat trick of whistling through his throat, sounding okay and winning some mitt slaps on 'Doll Dance,' with 'Stardust' for an encore. Hetty Tiny Wolf deserts the bass fiddle to come down front for a spicce parody on 'Beautiful Baby,' referring to his pachydermal proportions. The show goes into 'Got My Fingers Crossed,' and finishes with a dance.

Outstanding among the supporting acts are the Six Debonairs. A sextet of boys in topkats and tails, they do perfectly timed routines to open, and then score with a novelty interpretation of the Machine Age. They into their footwork with songs explaining their dances.

Nan Rae and Maude Davis are deuced okay when they go into acro knockabout dances, but attempts at comedy are odorous. They would win more solid hand by sticking to the muscle work, at which they are adept.

Charlie May and Coq Wilkey played the saxophone section. May got off gags under his breath which must have been very funny had the audience been able to hear them. Also seemed to have some good stuff about the maestro's girl friend, which he voiced into the wings. If the deckhands and orch boys paid his salary, he was facing the right way to get his salary for one performance should be withheld by house management.

Biz good at third show Friday (13), with lower floor well filled, and not many vacant spots upstairs. Kiley.

Radio Payroll

Continued from page 23

time workers. Part-time employees drew but \$52,313 from the stations and \$28,421 from week during the sample week. They numbered 3,821.

Commish accountants found the stations in the Northeastern Region bore almost one-third of the load for labor and services. The 150 plants in the most populated section had an annual payroll of \$11,837,341. Figures for other areas were: Great Lakes, \$9,711,486; Midwest, \$4,669,507; Southeast, \$3,834,834; South Central, \$2,058,580; Mountain, \$1,346,462; Pacific, \$4,487,721.

Grouped by types of operations, the 33 full-time clear channel plants of 50 kw accounted for one-quarter of the payments to execs and employees, with the 208 unlimited time regionals representing nearly half the aggregate. Locals operating limited hours, though hiring more workers than the clear-channelers, had lower scales and so shouldered only one-seventh of the load.

Fluctuating Payrolls

Employment fluctuated considerably during the year, the Commish discovered, but the figures were not detailed enough to show which classes of workers had the least dependable jobs. Peak for the 705 stations was reached in December, when the payrolls contained 20,257 names and checks aggregated \$41,132,58. The low point was in July; then only 18,416 persons were employed and their earnings were down to \$2,980,847. Generally the monthly payroll was around \$3,000,000. The webs had a maximum of 4,348 persons on the payroll, high point coming in December, but their roster remained pretty steady, the minimum being 4,101 in June.

Stations in the Northeast had roundly 5,200 persons in regular jobs. Approximate totals for other areas are: Great Lakes, 4,300; Midwest, 2,700; Southeast, 2,400; South Central, 1,300; Mountain, 800; Pacific, 2,200.

A STEP FORWARD

The theatre has been slipping for seasons. Equity during that period has suggested various plans for its welfare, but stuck its collective head in the sand when the Sunday issue came up. Broadway actors, usually players well fixed financially, opposed the idea, insisting on their Sundays for relaxation—that is, when they didn't grab a radio guest-shot on that day.

That class of player is no longer so important in Equity, but why the rank-and-filers followed their lead is a mystery. Sunday performances on Broadway are expected to help shows of moderate rating and therefore aid the average actor by making for longer engagements. It may not work out exactly that way, but the plan is certainly worth trying during the new season. The hits don't need Sundays for they draw regardless.

Sunday shows are a step forward. Equity officers and its governing body, the council, have changed their stance on the matter and will urge the membership to vote for Sabbath performances without double pay. A former administration conceived the trick idea of two-eighths pay for Sundays, thereby nullifying the legalized permission to play, as do vaudeville and burlesque, not to mention baseball, hockey, football, etc. The stagehands did not really figure in the situation, demanding extra pay because the actors did. Crews in theatres other than legit work Sundays, but are not on a seven-day basis, because of a stagger system to aid unemployment.

Sundays are in tune with New York and will make it more truly metropolitan. Chicago has played Sundays from the start and there, when shows are on a nine-performance basis, casts receive an extra one-eighth pay. That will not apply on Broadway, because a Monday layoff is statutory. Some attractions when playing the Loop occasionally drop one performance in favor of Sundays and others are dark on that day.

It is anticipated that some temperamental name players may decline Sunday appearances on Broadway, but it is hoped that such artists will also change their views, for the good of the less gifted fellow performers.

It is estimated that only 15% of the legit show business remains, in comparison to times when Broadway had 60 or more dramatic theatres lighted, and the road was dotted with touring companies. What is left is principally on Broadway, but it is generally conceded, there always will be shows, though limited in number. The idea is to keep theatres lighted as many weeks during the year as possible and it is indicated that of all the schemes proposed to that end, Sundays would be the most practical and material move.

Pointed out that it would be possible to play seven days on Broadway despite the law. If matinees were given then, rather than in the evening, actors would have a 24-hour rest period before curtain time on Monday. That would be a technical evasion which would or would not stand up in court, but the Equityites who favor Sundays intend to arrange regulations that would ensure dark Mondays.

The decks are cleared: It is up to the actors to save their jobs by making it convenient to a class of potential playgoers unable to see shows on any other day but Sundays.

B'way Will Have Sunday Shows By Nov. If Equityites Abide by Leaders

Broadway will have Sunday performances by November, granted that the legit actors follow the advice of their leaders who will strongly recommend that the experiment be made during the season of 1940-41. Unlike Chicago, it will not be a seven-day town because the New York State law stipulates that if Sundays are played, actors must have a full day's rest some time during the week.

Equity officers have tardily, but definitely, come around to the managers' viewpoint on Sundays, that such performances should materially lengthen engagements and therefore be mutually beneficial to owners of theatres, producers and players. They realize that legit is getting little patronage from the horde of suburbanites and excursionists who flock to the metropolis over the weekends. It's recognized that the attendance drawn by benefit legit performances in aid of the Actors Fund, Stage Relief, and when such shows were given in aid of Finland relief, points to the possibility of attracting a fresh clientele.

Close to Unanimous Assent At one of the best attended meetings of Equity's council last week the governing body was close to unanimous assent on Sundays. There were 30 councillors out of 55 on hand and only two negative votes were recorded. It had been suggested that a local referendum be conducted

FALLON, INVOLVED IN MANTON CASE, FREED

William J. Fallon, formerly well known in agency ticket circles on Broadway, has been released from imprisonment. He was involved in irregularities that resulted in Judge Martin Manton being sent to jail and convicted of 'selling justice.' Fallon was Manton's 'cashier' and was referred to as the ex-jurist's 'bagman.' Understood that because of certain information given the district attorney, Fallon drew a comparatively light sentence.

Fallon and his brother, Thomas, at one time controlled one of the Tyson ticket agencies, N. Y. They worked out a plan whereby they could control all the agency ticket allotments and for about two weeks actually did corner the market. Their system, however, came a sudden cropper, and the brothers soon dropped out of the Broadway field.

MGRS. ACCEPT ACTOR BOOSTS CALMLY

Meeting between managers and Equity representatives was held at the League of New York Theatres office Thursday (12), when the raising of minimum salaries from \$40 to \$50 beginning Dec. 1 and the probability of Sunday performances and extension of the basic agreement were discussed. The salary boost was ordered by the council. Question of Sunday shows is being put to a referendum vote. Basic agreement with the managers will be signed with the \$50 minimum change included and a stipulation that the pact will subsequently be made to conform with the membership vote on the Sunday issue.

Managers appeared to accept the lifting of the minimum pay without expressed objection which completely surprised the Equityites. Former took the attitude that the burden of the added salaries would be borne by the actors rather than the producers. That was the same attitude taken when Equity put rehearsal pay into effect, but whether that has affected the pay of players getting \$100 or less has never clearly been established. Some opinion is that the actors are creating their own problem of unemployment.

Salary boost is slated to be the leading issue to be considered by Equity members at the season's first quarterly meeting, to be held next week (27). It is possible, but not probable, that the meeting will reverse the council on the theory that the lift might reduce the number of small parts. If it should develop during the new season that because of it there were fewer jobs, there may be a reconsideration. But that is extremely unlikely.

Pointed out that the members have gone on record three times favoring the increase. Conservatives have argued against it, but the lower paid players are reported almost solidly in favor, for jobs have been too scarce and they want every chance for more money.

Before the salary increase was adopted by the council there were extremely radical ideas suggested. One was that all players receive a bonus from the managers when hits (Continued on page 42)

Sock \$8.80 Pream of Jolson-'Hats' May Signalize Flourishing B'way Season; 'Tightest' Debut in Years

FREEDLEY, LEWIS, BECK BACK NEGRO MUSICAL

For the first time three showmen will participate in a colored musical. 'Little Joe,' due in the Martin Beck, N. Y., next month. They are Vinton Freedley, Al Lewis and Martin Beck, who will finance the show. Lewis was the first to consider 'Joe,' his partners recently investing after seeing auditions of the people and hearing the score.

Title is similar to that of a musical comedy, 'My Pal Joey,' latter readied by George Abbott, latter having a score by Rodgers and Hart. In the colored cast are Ethel Waters, Todd Duncan, Rex Ingram and the Katherine Dunham Dancers. While 'Joe' is a Negro fantasy, it was written by white authors, Lynn Root supplying the book and Vernon Duke the score.

Smaller Agcys. Socked Hardest By Lull in Prod.

With the Broadway season off to a slow start again, a number of ticket brokers are wondering whether they will be able to survive. Principally affected are smaller agencies. Despite the fact that their operating expense is modest, it is claimed that most of them are broke, and they say they would be satisfied to just earn a living. Chances are that some of the lesser agencies will be forced to combine, the being anticipated some time ago when it was quite clear that there were too many brokers for the number of theatres lighted.

With the basic agreement with Equity to be extended, League of New York Theatres has advised the brokers that the ticket code would be operative again, despite the Mitchell law, which is in litigation. Independent agency people talked things over at the League offices Monday (16). Brokers said that the 3c per ticket levy should be dropped because there should be no enforcement expense if the Mitchell bill were to become operative.

Attorney William A. Hyman, who is contesting the new state law for the brokers, previously advised the League that the agency people assented to the limit of 75c premium for orchestra tickets and 50c for the balcony applying to theatres. Brokers are fighting the statute because it places a limit on tickets for sports events. They also asked the League to modify the maximum penalties for infraction of the code if it continues.

Persons close to Justice Sidney (Continued on page 42)

Broadway premiere of Al Jolson's 'Hold On to Your Hats' at the Shubert last Wednesday (11) may signalize the expectations of a flourishing Broadway season. New musical won a press of the rave variety and struck a capacity pace for the balance of the week. Show can gross around \$29,000 at its \$4.40 top and should reach that bracket this week.

Opening night the top was \$8.80, but in ticket circles the debut was regarded as the 'tightest' in many years. Usually premieres of name shows are oversubscribed but almost invariably a sizeable number of tickets turn up in some manner on the day of the first performance. Most recent incident of that kind was the opening of the front-running 'Louisiana Purchase,' which also had an \$8.80 premiere. Day of the debut more than 30 tickets calling for fairly good locations became available and were snapped up. At the opening of 'Hats' there was but one single ticket among all the agencies.

Despite the high tap and inconvenience outside the theatre entrance at the premiere, first nighters went into rhapsodies over the Jolson show. Patrons, whether in dress clothes or not, were not permitted to dally a minute in the toy lobby of the Shubert. Even those who called for reservations were shoved around. An augmented Shubert staff hustled the customers. On the pavement cops made it unpleasant for patrons waiting for escorts even for a few minutes. Policemen alighted themselves by saying they had to keep autograph pests away from arriving first nighters but didn't seem to distinguish between first nighters and the brood who seek signatures.

Business Up Cool weather continued and business among the still-limited list of shows went upward, one increase being as much as \$3,000. 'Purchase' maintained its plus \$34,000 gait and it is again indicated that the 1940-41 period was a money-making one for musical shows. 'Hellzapoppin' holds its its great draw and enters the third year on Broadway with expectations of spanning another season. It bettered \$29,000 last week, which means standee attendance at some performances. 'Du Barry Was a Lady' is the other coin-getting musical, going into its 10th month at the 46th Street. All are \$4.40 top except 'Hells,' which is \$3.30.

Harry A. Jansen, the magician who bills his show 'Sim Sala Bim,' opened at the Morosco against 'Jupiter Laughs,' Biltmore, last week, too, and generally got the second-string critics. Word of mouth, however, rated the magi outfit very highly and some of the first-stringers were lured to the performance. Result was excellent follow-up comment in the Sunday drama sections. Show at \$2.75 top appears to have a strong chance to stick. 'Jupiter' was given doubtful notices. Resumed engagement of 'There Shall Be No Night,' Alvin, began promisingly, taking approximately \$17,000, capacity in a smaller house.

There is a lull in openings. Only one debut last week 'Johnny Belinda,' at the Belasco, bowing to the Sunday drama sections. Show at night (Wednesday) that completing the new show card for the month, although a Gilbert and Sullivan repertory company opens a limited date at the 44th Street Sept. 30, October is far from loaded with arrivals but the number of shows in rehearsal is steadily increasing. There are 13 attractions in all on Broadway currently, none being slated to leave.

An additional attraction lights next week when 'The Time of Your Life' opens at the Guild for a limited date before taking to the road.

GEO. WHITE MAY AGAIN HAVE A B'WAY MUSICAL

George White returned to N. Y. from Hollywood last week and may join other producers in turning out a musical show later in the fall. Although his plans are not definite, he will probably stage another revue. His 'Scandals' of last season is still playing in tab form and he will delay another show of the same title until it goes off the boards.

An American Actress in Mexico

Lilyan Tregob (Billed As Lilli Trigos) Has Her Ups and Downs

Mexico City, Sept. 10. Lilyan Tregob, an American legitimate actress, has been living and paying her way in Mexico City since last January when she came here on speculation after reading in the New York Times of the Pan American theatre here. Actress was without engagement prospects in the states, so hit the trail for a strange land where she did not speak the language. She paid \$25 to the owner of a private automobile, headed for the capital, and upon arrival talked Fernando Wagner, founder-director of the Pan-American theatre, into hiring her to play character parts.

The latter presents plays in English at the Palacio de Bellas Artes with the blessing of the Mexican government and is behind the only dramatic company ever to survive what is known as three 'seasons' (a season being Jan.-April and June-Sept.).

Miss Tregob's compensation was less than the 50 pesos (\$10 U. S.) per actor per performance which Wagner usually pays as she had no contract. She also had no guarantee of consecutive employment in the irregular single performance plays of the English-speaking group. Most of the Pan-American actors were local (Continued on page 42)

Moss Quits 'Hats' For 'Journey'; Vitale In

Arnold Moss withdrew from 'Hold On to Your Hats,' Shubert, N. Y., Monday (18) and was replaced by Joseph Vitale. He had given in his notice when the show was out of town and signed for 'Journey to Jerusalem,' which the Playwrights have in rehearsal. Some surprise was occasioned by the actor stepping out of an indicated hit.

Moss explained the withdrawal to fellow players, saying he preferred serious drama to musical comedy. He turned in a good performance as a Mexican bandit in 'Hats,' and last season attracted attention by his performance in 'The Fifth Column.'

since New York actors would only be concerned. It was decided, however, that the proposal should be passed on by the whole membership because in 1935, when Sundays were rejected, the referendum was general.

Ballots will go out this week. They will be accompanied by literature prepared by Equity's president, Bert Lytel, urging the members to vote yes. He has prepared the pros and cons on Sundays, a virtual appeal to support the views of the administration. The results will probably be known sooner than usual because it is expected that members on the (Continued on page 42)

Play on Broadway

Hold on to Your Hats

Musical comedy in two acts and 15 scenes presented Sept. 17, '40, at the Shubert, N. Y., by Al Jolson and George M. Cohan, with Jolson starring. Featured, Martha Raye, Jack J. Collins, Gordon, Arthur Hays, Ed Lamb, Russ Brown and Eunice Healey; music by Burton Lane. Lyrics by R. Y. Harburg, book by Guy Bolton, Matt Brookes and Eddie Davis; staged by Edgar MacGregor under personal direction of George Hiale; dances by Catherine Littlefield; costumes and scenery designed by Raoul Pene Du Bois; musical direction, Al Goodman; arrangements, Hans Spialek and Don Walker; lyrics, Joseph Lillier; 8 acts, 14 scenes, 12 boys; \$4.50 top, premium scale, \$5.50.

Margaret Irving..... Gill Lamb
Shirley..... George Church
Len..... George Church
Edie..... George Church
Mamie..... George Church
First Duet..... George Church
Second Duet..... George Church
Third Duet..... George Church
Fourth Duet..... George Church
Fifth Duet..... George Church
Sixth Duet..... George Church
Seventh Duet..... George Church
Eighth Duet..... George Church
Ninth Duet..... George Church
Tenth Duet..... George Church
Eleventh Duet..... George Church
Twelfth Duet..... George Church
Thirteenth Duet..... George Church
Fourteenth Duet..... George Church
Fifteenth Duet..... George Church

Al's back. And so Jolson returns to Broadway to motivate 'Hold On to Your Hats,' the first click of the new season.

'Hats' is really pleasurable diversion and that's what the theatre should offer right now, more than ever before. Jolson, who repeatedly states he is glad to be back after nearly 10 years in Hollywood, hasn't made 'Hats' a one-man show; by the close, at the premiere, voices from the lower floor rear called for Miss Raye, who was in the line of principals waiting the curtain and plaudits. Jolson brought her forward and said that's the way he feels about the clever girl clown, too. Clever fellow, that Jolson.

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'Hats' is a well-rounded entertainment, possessed of an excellent score. Here's a musical comedy that isn't loaded with book and while the story is not of the sophisticated type it is far from dated. Comedy content is there, but there are belly laughs. What with the staging by Edgar MacGregor, splendid dance ensembles by Catherine Littlefield, the Philadelphi, whose direction of 'American Jubilee' at the World's Fair stamped her as unusual, plus dazzling costumes designed by Raoul du Bois, who in Jolson outfit seems to have everything that it takes.

First act holds the score's best numbers and some of the best glee rousers are there. Scene between Martha Raye and the star near the first act finale had first-nighters screaming. Miss Raye has been on Broadway before, but never to such personal advantage. Jolson builds her up, as he does others in the cast, and that is showmanship by a player who put his own name in the production. George Hiale, who supervised the entire works, has a piece of it, about 20%. He also supervised the entire production and did a showmanly job there.

When 'Hats' opened the cast included Ruby Keeler whom Eunice Healey replaced. There again is a performer who hasn't appealed as she does now, though she attracted attention last season in 'Two for the Show.' Miss Healey and Jack Whitely supply the low interest, dusting the scoring melodies. At one point she fears that the man she loves isn't quite that way about her. That's a cue for Jolson to say: 'I'm old enough to be your father and I can give you lessons in carrying the torch.' He said it smilingly but the initial audience was well aware of what he meant.

Jolson got the show off with an intimate touch. He sat in an easy chair in one, saying it was a gala night for him because 'my kid is getting in on the Coast—he's four years old—it's piped in and the kid will hear me sing.' For a number or two he uses a microphone, as he warbles snatches of such always popular songs as 'My Blue Heaven' crooning in the Jolson manner. Down towards the close when he started a little cry, 'old faves' was 'You ain't hear nothing yet, the mike was discarded with the remark: 'We don't need this gadget any more than we did before.' It was getting late and he said that since the critics had gone, the house could settle down and have a good time. He first asked if they liked the show and the response was that of a delighted audience. He opened the cycle with 'Swanee,' then came 'April Showers,' 'You Made Me Love You,' 'Sonny Boy,' and finally 'Mammy.'

Miss Raye goes into action with the theme number, 'Hold On to Your Hats,' with Jolson soon getting plenty applause with 'I like the 'Walkin' Along My Mind.' My Business, but it is Miss Healey and Whiting who send over the topper, 'The World Is in My Arms.' Jolson and

Miss Raye team nicely with 'Would You Be So Kindly.' Again Miss Healey and Whiting score with 'Don't Let It Get You Down,' while Jolson winds up the act one with 'There's a Great Day Coming, Manana.' Miss Raye just previously has something with George Church in the number, 'Life Was a Pious Plumber.' A comedy highlight of the show is 'Down on the Dude Ranch' and has been since the show opened in Detroit, as given by Jolson, Miss Raye and Bert Gordon. Latter was well known in vaudeville but better known as the 'mad Russian' in Eddie Cantor's broadcasts. From his entrance when he flaps those loving-cup ears, Gordon counts on the comedy end, playing a Yiddish Indian.

Jolson's parts are varied. He starts as the Lone Rider, a radio hero, the title being adapted from the 'Lone Ranger' of the air. His product—a breakfast food—Script writer convinces the rider that he should go west to Sunshine Valley and there capture Fernando, a bandit who has been getting away with murder. Western guests shift to Mexico and back again to the Valley and in that course, Jolson is a dame, toreador and peon. As the latter he warbles 'Old Timer,' another lyric that comes from the pen of Harburg.

Among dance specialists is Gill Lamb, a fellow with an eccentric style. Later on instead of repeating he does dances with harmonics. Arnold Moss is very good as the Mexican bad man, but he left the show and Joe Vitale replaced. Russ Brown is the straight man and knows his stuff. The Tanager Sisters (Marta, Mickey, Betty) are used at the opening of both parts and join with the Radio Aces (Marty Drake, Lou and Joe Stoner) in the ensemble singing. The Tanager Sisters (Marta, Mickey, Betty) are used at the opening of both parts and join with the Radio Aces (Marty Drake, Lou and Joe Stoner) in the ensemble singing.

Margie Greene, Anita Jakobi, Iris Wayne and Janis Williams—are in the guise of specialists. At the premiere, voices from the lower floor rear called for Miss Raye, who was in the line of principals waiting the curtain and plaudits. Jolson brought her forward and said that's the way he feels about the clever girl clown, too. Clever fellow, that Jolson.

Nicholson-Bamberger To Encore in Bucks County

New Hope, Pa., Sept. 17. Kenyon Nicholson and Theron Bamberger, who last Saturday night (14) closed their first season as operators of the Bucks County playhouse here, will have the house again next summer, probably offering another 13-week schedule. They've not only made a modest profit on their first year of operation, but have pleased the stockholders, who were disgusted with conditions last year, the theatre's first.

First real click with 'Yes, My Darling Daughter' the fourth week. Top business for the season (exclusive of this week's offering of Joe E. Brown 'The Show-Off') was with Pauline Lord in 'The Late Christopher Bean,' almost capacity for the week. That was a surprise click, as it had been figured that the extensive little theatre and school production of the show would crimp it for the professional theatre. With a capacity of 42 seats and a top of \$1.65 (\$2.20 Saturday nights), the house can gross about \$4,100 weekly. Although no reduction was offered to subscribers, nearly 100 regular patrons paid in advance for reserved seats the series of six shows, even though the actual plays hadn't been announced. Virtually all likewise bought and paid for in advance for the next six shows.

Remarkable angle on the season click was the fact that the spot operated without big names. Joe E. Brown this week and Miss Lord in 'Christopher Bean' were the only stars which depended on a succession of such guest stars as Tallulah Bankhead, Jane Cowl, Ina Claire, Ethel Barrymore and Ruth Chatterton. Bucks County used a resident stock company with Louis Calhern as top name.

Stockholders of the theatre, who include some of the leading residents of this wealthy 'art colony,' are now trying to work out an as-yet vague plan to operate the spot on an all-year basis. Nicholson and Bamberger would presumably take over operation during the summer, with several local people charge the rest of the year. Year-round operation is admittedly too tough to be attempted this year. But according to present tentative plans at least a modest start may be made in the fall of 1941.

'Boys and Girls Together' (Ed Wynn)—Shubert, Boston.

'Charlie's Revue' (all-name cast)—for British War Relief fund—El Capitan, Hollywood (20-21).

'George Washington Slept Here'—Bushnell Auditorium, Hartford, Conn. (21).

'Life with Father' (Lillian Gish)—Blackstone, Chicago.

'Little Foxes' (Tallulah Bankhead)—Community, Hershey, Pa. (16); Karlton, Williamsport, Pa. (17); Shea, Bradford, Pa. (18); Shea, Jamestown, N. Y. (19); Colonial, Akron (20); Park, Youngstown (21).

'Male Animal' (Elliott Nugent)—Selwyn, Chicago.

'Man Who Came to Dinner' (Clifton Webb)—Cass, Detroit.

'Meet the People'—Oceary, San Francisco.

'Meet the People'—Music Box, Hollywood.

'Needles'—Locust, Philadelphia.

'Show Off' (Joe E. Brown)—Briarcliff, Brighton Beach, N. Y.

'Skyark' (Gertrude Lawrence)—Technical Highschool, Omaha (16); Orpheum Skous City (17); Shrine, Des Moines (18); Lyceum, Minneapolis (19-21).

'Time of Your Life' (Eddie Dowling)—Maplewood, Maplewood, N. J.

'Thee and Me' (John Barlow)—Erlanger, Buffalo.

'Too Many Girls'—Grand Opera House, Chicago.

'Ship of Zion'—Mayan, Los Angeles.

U. S. Actress

Continued from page 41

residents. A character man, Ray Adams, is a high official with the Mexican telephone company. One member was the wife of the Spanish stage director at the Teatro Ideal. Only one American actress, Jeanne Washburn, is a native-born imported (i.e. fare paid) from New York by Wagner. Being strictly on her own and on a weekly salary that the average tourist spends here in a day, Miss Tregob (billed here as Lilli Trigos) has resourcefully supported herself in that manner of making a little go a long way, for which young American legit actresses are famous.

Now with the conclusion of the English season (Wagner also has a Spanish season), Miss Tregob is leaving Mexico City to live with a Mexican family in a remote village in order to learn Spanish. She has a possible chance to appear in a Mexican motion picture later in 1940. She hopes, should that materialize, that some film scout might see her as a promising character actress material.

The legit actress' eternal hope of being 'discovered' or 'scouted' is not dead even on the Avenida Juarez. Miss Tregob and her colleagues were spiritually crushed when Gilmore Brown from the Pasadena (Cal.) Playhouse suddenly switched his plans and went to Taxco, the mountain resort, instead of to the Pan-American performance not long ago.

Sunday Legit

Continued from page 41

Coast will not particularly figure in the voting. The California vote is not as important as formerly because last season around 900 members occupied in the studios applied for and received honorable withdrawal cards, making them ineligible to ballot. There are between 500 and 700 on the Coast who are in the mood standing, but the matter of Sundays is not expected to interest them, most of that group may not even bother to cast their votes.

Equity originally blocked Sundays on Broadway by exacting double pay, so that the present attitude is a complete change of front. Stagehands followed suit, but said they only did so because of Equity's move. Over a period of time the managers (League of New York Theatres) put Sundays up to the dekanths and musicians union, and on the theory that such performances would aid employment, both unions assented to regular pay provided Equity people would likewise. That is the point the membership will vote upon. A number of shows have tried Sundays, but it has been quickly discerned that double pay nullified the state law because of the added expense. Those who conceived the idea of boosting the pay for Sundays are not active in Equity presently.

Zone of Quiet

Cleveland, Sept. 7.

Leon H. Dembo, staged by Eleanor Van Rosen; presented at Hanna theatre, Cleveland, Sept. 5, 6.

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Legit Cues

Leonard J. Potter and Ronald T. Hammond, co-operators of the Stony Creek, Conn., strawhat this summer, have opened a production office in New York and hope to present on Broadway at least one of the three new plays they tried out during the summer. Shows include 'She Ate Her Cake,' 'They That Love Best' and 'The Adam Family.'

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Plays Out of Town

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SHIP IN ZION

Los Angeles, Sept. 11.

Folk play in three acts by Zack Williams; presented and staged by Clarence Miller; music interpolations, Elliott Carpenter; costumes, William Wilkins; principal, Zerk Williams; 'Florence' O'Brien, Ernest Wilson; Nathan Curry, Sybil Reed; Bernice Pilot, Edward Thomson. Opened at Mayan, Los Angeles, Sept. 11; \$2.50 top.

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Deny Giannini Bankroll

Reopening Tivoli, S. F.

San Francisco, Sept. 17.

Long-dormant Tivoli Opera House, undergoing complete overhaul to re-light Sept. 30 with new Civic Opera Guild production of 'The Enchanted Well.' A. P. Giannini reported to be angel for the venture, but this is denied by Frederick Carroll, director of the production, who also will conduct 30-piece symphony orchestra in pit. According to Carroll, who has previously presented one-day concerts in the house, group of eight is putting up coin, but identities of octet are being kept dark.

'Enchanted Well,' which will introduce 25 new compositions, is work of Luigi Sbrana, who wants it understood he was born in Tunisia. Music is his hobby, composer being prominent local attorney in public life. Plans call for two weeks at Tivoli, after which company will move to Los Angeles for fortnight's stand. If initial venture clicks, 'Chocolate Soldier' will follow.

Tivoli, which is owned by Mrs. William Leahy, has story-book history, present edifice being fourth Tivoli in a line founded in the '70s. In the early days, patrons got 'Pinafore' and beer for two-bits. Third Tivoli, which was destroyed by fire in 1906, saw the American debut of Tetrazzini in 'Rigoletto.'

Lull Hits Ageys

Continued from page 41

Bernstein in N. Y. supreme court have disclosed that he will hand down 12-page opinion tomorrow (Thursday) in the suit of seven ticket brokers against License Commissioner Paul Moss and Police Commissioner Lewis J. Valentine.

The brokers are battling a law which holds them to a 75c increase on any ticket, regardless of its price, which they might resell to the public. Case was argued in court over a month ago, with the judge pondering his decision since then. No hint as to which way the decision is going could be gleaned.

Sam Mayer, associated with Sam Beckhart for many years, is entering the Joey Deutsch agency. Beckhart suspended his agency last spring and has been associated with Supreme.

Lambertson Vows Continued Attack On Equity's 'Reds'; Dies Committee 'Half Interested' in Stage Union Quiz

Washington, Sept. 17. Continued attack on Actors' Equity Association for alleged 'communist leanings' of certain of its members was promised yesterday (Monday) by Representative William P. Lambertson, Kansas Republican.

Barrage against Paul Dulzell, executive secretary of the group; Hoyt Haddock, who holds the same position with the American Guild of Variety Artists; Alan Hewitt, Philip Loeb, members of the Equity Council; Edith Van Cleave and numerous other members of Equity and AGVA was loosed by Lambertson in the Congressional Record last Wednesday (11). There will be 'one more insertion' in the Record, within the next fortnight, Lambertson promised this week.

Investigation of alleged communist activities of numerous Equity highlights is being requested of the Dies Committee by the Kansas solon. The special House group investigating un-American activities already is 'half interested' in a formal probe of the stage associations, Lambertson told VARIETY, and airing of additional evidence is expected to turn the committee's interest directly upon the dissension which has arisen within the groups themselves.

Lambertson mentioned especially the fuss which occurred when a small faction of Equity's membership resented a drive for the benefit of war-stricken Finland last January. Also the support of a resolution (turned down by Paul Turner, Equity council, and Frank Gilmore, president emeritus) committing the association to 'non-participation in any aspect of the war, or preparation for it,' which was backed by Robert Reed, Harold Bolton, Loeb and Hewitt.

Lambertson made public a letter, written to Hewitt last August in which he stated that he 'would be interested to learn' why Hewitt voted to 'besmire the name of your organization by recording it in favor of an obviously Moscow-inspired resolution.'

Explanation Welcomed. Any explanation of Hewitt's motives will be welcomed and placed in the Congressional Record, Lambertson said, but to date he has received no answer to his letter. Edith Van Cleave, he said, 'has sent me no denial of my charge of communistic leanings.' The Kansas legislator said that both individuals, 'in his belief, are what the Communists themselves call professional stooges.'

Lambertson published a letter dated Aug. 7, received from Dulzell, in which the Equity amicus explained that, on advice of the association's legal department, it had been decided that 'material you requested to be printed' had been left out of Equity magazine because of fears that... we may be held accountable for it in an action for publishing libelous matter.' To this Lambertson replied that:

'In view of the fact that my statements were published in the New York Times, the New York Herald Tribune, VARIETY and many other newspapers and periodicals, the decision puzzles and interests me. Apparently your magazine Equity is the only publication which fears to mention in print the names of your council members I have charged with communism. This seems very strange indeed.'

Receiving no reply to several letters which he wrote to Equity officials, Lambertson has been negotiating to take on a list of subscribers here, but nothing definite as yet. Majority of the Guild's plays in past couple of seasons have bowed in here.

Washington Debuts New Haven. Shubert lifts the legit lid Sept. 23 with the new Kaufman-Hart 'George Washington Slept Here' in for three days. House has lined up an ambitious sked, with break-in of Buddy de Sylva-Cole Porter musical, 'Panama Hattie,' set to follow 'Washington.' Helen Hayes preem of 'Twelfth Night' also due. Announced list includes practically everything available for the road, plus a list of tryouts. House had its best season in years last semester, with 11 breaks in putting the town back in its former favored spot as a tryout town. Shubert's Guild has been negotiating to take on a list of subscribers here, but nothing definite as yet. Majority of the Guild's plays in past couple of seasons have bowed in here.

COAST FORUM BOOKS JANE COWL, OTHERS

Los Angeles, Sept. 17. Jane Cowl, Eleanor Roosevelt and Eve Curie are among the notables signed by the Modern Forum for its 1940-41 series at the Philharmonic Auditorium. Season opens Oct. 4 with lecture by Clifton Fadiman. Others on the lecture list are David Seabury, psychologist; Sigrid Undset, Norwegian novelist; James Hilton, author; Philip Guedalla, historian; H. R. Knickerbocker, war correspondent; Pierre van Paasen, writer; Edward Tomlinson, authority on South America; Will Durant, philosopher, and Mortimer Adler, University of Chicago professor.

Outlook Nifty For Milwaukee Legit Season

Milwaukee, Sept. 17. With more and earlier legit bookings than for several years past, Managers Anthony Theene, of the Davidson (UBO), and Alfred Kohler, of the Pabst (Indie), are both highly optimistic over the outlook for the new season. Early ticket buying and season reservations are far ahead of any in recent years, while increased business in the picture houses, both downtown and nabes, is regarded as an indication that local show biz is in for a lucrative spell.

Milwaukee, an industrial city, has many of its big manufacturing plants loaded with war orders, and so the amusement business is already beginning to feel the easing up of the unemployment situation.

Actual opening of the local season will take place at the Davidson Sept. 26 when Gertrude Lawrence in 'Skylark' comes in for three days, to be followed in the next few weeks by John Barrymore in 'My Dear Children,' Tallulah Bankhead in 'Little Foxes,' Clifton Webb in 'Man Who Came to Dinner' and the perennial 'Tobacco Road.'

Shows booked for the Pabst at this time include Alfred Lunt and Lynn Fontanne in 'There Shall Be No Night,' and four Theatre Guild plays, 'The Time of Your Life,' Katharine Hepburn in 'Philadelphia Story,' Helen Hayes in 'Twelfth Night' and another play to be announced later.

Washington Debuts New Haven. Shubert lifts the legit lid Sept. 23 with the new Kaufman-Hart 'George Washington Slept Here' in for three days. House has lined up an ambitious sked, with break-in of Buddy de Sylva-Cole Porter musical, 'Panama Hattie,' set to follow 'Washington.'

Helen Hayes preem of 'Twelfth Night' also due. Announced list includes practically everything available for the road, plus a list of tryouts. House had its best season in years last semester, with 11 breaks in putting the town back in its former favored spot as a tryout town. Shubert's Guild has been negotiating to take on a list of subscribers here, but nothing definite as yet. Majority of the Guild's plays in past couple of seasons have bowed in here.

Toledo's Oct. 7 Debut. Toledo, O., Sept. 17. Mrs. Flora Ward Hineline, local sponsor of legitimate shows, has announced local schedule, which begins much earlier than former years: Oct. 7, Gertrude Lawrence in 'Skylark'; Nov. 7, Katharine Hepburn in 'Philadelphia Story'; Dec. 9, Clifton Webb in 'Man Who Came to Dinner'; Jan. 9, John Barrymore in 'My Dear Children' (if he tours); Jan. 13, Eddie Dowling and Julie Haydon in 'Time of Your Life'; March 24, Lynn Fontanne and Alfred Lunt in 'There Shall Be No Night.' Two other offerings tentatively (Continued on page 44)

Shows in Rehearsal

'Twelfth Night'—Theatre Guild.
'It Happened on Ice' ('Hot Ice')—Sonja Henie, Arthur M. Wirtz.
'Little Joe'—Al Lewis, Vinton Freedley, Martin Beck.
'Second Helping'—Walter Batchelor, Monte Proser.
'Boy's Shop'—Shuberts, Schmidlapp, Gaites.
'Panama Hattie'—Buddy de Sylva.
'Journey to Jerusalem'—Playwrights.
'The Big Story'—Gilbert Miller.
'George Washington Slept Here'—Sam H. Harris.
'Faded Little Story' (road)—Theatre Guild.
'Life With Father' (Boston Co.)—Oscar Serlin.
'Gilbert and Sullivan rep.'—Joseph S. Daltrey.

'The Big Story'—Gilbert Miller.
'George Washington Slept Here'—Sam H. Harris.
'Faded Little Story' (road)—Theatre Guild.
'Life With Father' (Boston Co.)—Oscar Serlin.
'Gilbert and Sullivan rep.'—Joseph S. Daltrey.

WYNN MUSICAL SOCK 25G, HUB

Boston, Sept. 17. All boxoffice lines lead to Ed Wynn's 'Boys and Girls Together,' drawing staidie biz all last week, and holding for a third stanza. 'Johnny Belinda' drew tepid trade in one-week tryout.
Coming shows include 'Twelfth Night' with Helen Hayes and Maurice Evans, Oct. 21, Colonial; 'Pins and Needles,' Oct. 14, Plymouth.
Estimates for Last Week.
'Boys and Girls Together,' Shubert (2d wk) (1,500; \$3.30). Socko biz after a flock of raw notices. Relatively few changes since green, but running time down to an 11:15 break; \$25,000 for second week.
'Johnny Belinda,' Wilbur (1,227; \$2.75). Never got to first base, drawing steady 'Tock' around \$4,000 in single frame.

SHUBERTS' INJUNCTION SUIT VS. RAE & DAVIS

Application for a temporary injunction revealed suit of Operatic Festival, Inc., in N. Y. supreme court Friday (13), against Nan Rae and Maude Davis, comedienne. Plaintiff corporation, a subsidiary of the Shuberts, claims the defendants are seeking to breach an employment contract.

It is claimed that on Sept. 14, 1939, a contract was entered into whereby the defendants were employed at \$200 weekly at a guarantee of 20 weeks yearly. An option was taken for succeeding years at the ratio of \$200, \$400, \$500 and \$750 for successive years. The defendants were employed in the 'Straw Hat Revue' from September, 1939, to December, 1939, in the 'Folies Bergere' from December, 1939, to April, 1940, and in 'Keep Off the Grass' from April, 1940, to June, 1940. It is claimed that the services of the defendants cannot be duplicated, and that in July they served notice on Operatic that they were cancelling the contract and have subsequently appeared at the Hippodrome, Baltimore. Suit seeks a permanent injunction to prevent the defendants from working for any one but the plaintiff.

Misrouting of Scenery Cancels Buffalo 'Road'

Buffalo, Sept. 17. Opening performance of 'Tobacco Road,' featuring John Barton, at the Erlanger here last night (Monday) was cancelled due to misrouting of scenery and equipment from Brooklyn, where show closed Saturday night (14). Cast and crew arriving here failed to find cast, which was finally located in New York but too late for shipment and setting here. All tickets exchanged for later performances.

St. Loo Munny Opera \$15,000 in the Red

St. Louis, Sept. 17. Twenty second season (13 weeks) of municipal opera in the Forest Park all fresco playhouse, sponsored by the Municipal Opera Assn., was the most costly since 1930, ledgers showing an estimated loss of \$15,000.
'The Great Waltz,' last piece of the season, won the blue ribbon both in b.o. receipts, \$48,000, and attendance, 71,000.

Weather Favors B'way Legit Biz; 'Hats' \$20,000 in 1st 5 Showings; 'Jupiter' Sad \$4,000 in 1st Week

WEBB-DINNER' HOT 16G IN 1ST, DETROIT

Detroit, Sept. 17. Settled down for at least a four-week run, 'The Man Who Came to Dinner' has launched the drama season at the Cass here. Did big \$16,000 last week, its first. Company with Clifton Webb and Diana (Doris) Dalton, latter known to plenty here due to her run in local stock and at Ann Arbor's drama festivals, got plenty of friendly reception in the press. 'Dinner' scaled at 75c matinees, \$2.75 top nights.
A livelier, legions season than usual looms here this year, with the Wilson, dark most of the time the last few seasons, under lease to J. J. Shubert for a string of musical comedies. At least four productions are on the string including many which never visited out this far because of transportation costs.

'Girls' Paces Chi, 17G, Father' Nifty \$14,500, 'Male' 10G

Chicago, Sept. 17. Town now has three shows, following the opening of 'Male Animal' in the Selwyn last week. Selwyn had a disappointing advance sale but on strong notices came through with a pretty good initial session and may stick around town for awhile.
'Too Many Girls,' after a powerful start, settled down to trot and is now slated to scam town Sept. 28, at least one week ahead of the original schedule. Upon vacating the Grand, the house will be taken over on the following night by 'Meet the People,' which moved its opening up a week.
At the Blackstone, 'Life With Father' continues at its brilliant pace.

Estimates for Last Week.
'Life With Father,' Blackstone (30th week) (1,200; \$2.75). Excellent throughout, by far the best boxoffice rating of the town, holding again to almost \$14,500.
'Male Animal,' Selwyn (1st week) (1,000; \$2.75). Got away slowly but managed a respectable initial session at \$10,000. Strong press and biz building.
'Too Many Girls,' Grand (2d week) (1,300; \$3.30). Generally good word-of-mouth holding this one up well enough and took \$17,000.

PHILLY ACTIVITY SLOW; 'PINS' SATISFIED, \$8,500

Philadelphia, Sept. 17. Philly's highly touted pickup in legit activity hasn't been borne out in results so far, and hopes for the '40-41 season must still be written down in the books as 'possibilities.' Even the local theatre crisis have begun to complain over treatment of the city by bookers, especially in view of sensational biz done by Al Jolson's 'Hold On to Your Hats,' first show in. Criticize and emphatically cutting down of forthcoming engagement of Ed Wynn's 'Boys and Girls Together' to single week.

At current writing, situation is like this. 'Pins and Needles' is now in its second and final stay at the Locust, which has nothing definitely slated to follow. Forrest, dark this week, gets the delayed Ed Wynn show next Monday (22), and a single week's return visit of Katharine Hepburn in 'The Philadelphia Story.' Same house is listed for Helen Hayes' revival of 'Twelfth Night,' but that won't be until Nov. 4, and other words, October looks like a pretty blank month from the legit standpoint, now that 'Separate Rooms' management has decided to keep it in N. Y. 'Time of Your Life' is a possibility, with 'Ladies in Retirement' mentioned but unlikely soon.
Late rumors have Charlie Chaplin's 'The Great Dictator' coming in the Erlanger, indie legit, instead of playing one of the regular downtown Warner houses. However, no official concurrence either way.

'Pins and Needles' was under expectations in first week at Locust, set claimed to be satisfied with \$8,500 at \$2 top. Figures likely to jump two or three grand this week with aid of local union parties.

Estimates for Last Week Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Operetta).

'Dusbury Was a Lady,' 46th St. (41st week) (1,375; \$4.40). Perked up again and bettered \$21,000; weather continues to favor the box-office; house's next attraction, 'Panama Hattie,' 'DuBARRY' may move.
'Hello, Poppin!,' Winter Garden (104th week) (12-17; \$3.30). Plans are for long-running laugh revue to continue through third season; \$29,000.

'Hold 'On to Your Hats,' Shubert (1st week) (M-1,405; \$4.40). New musical looks like socko success; plans are for long-running laugh revue to continue through third season; \$29,000.
'Johnny Belinda,' Belasco (D-1,000; \$3.30). Presented by Harry Wagstaff Gribble, written by Elmer Harris; first called 'The Inner Silence'; opens tonight (18); only debut this week.

'Jupiter Laughs,' Biltmore (1st week) (D-901; \$3.30). After mild notices, business was slim; went into cut rates with idea of staying, however; rated around \$4,000.

'Life With Father,' Empire (45th week) (C-1,055; \$3.30). Top laugh show last season; expected to play through new season; now ending 10th month; close to \$19,000 again.

'Louisiana Purchase,' Imperial (16th week) (M-1,450; \$4.40). Holds its premier position as top grosser on list; also looks set through new season; topped \$34,000.

'Man Who Came to Dinner,' Music Box (48th week) (C-1,102; \$3.30). Holds excellent pace to good profit; \$18,000 again, better than previous week, when advance matinee (Labor Day) was played.

'Separate Rooms,' Plymouth (25th week) (C-1,107; \$3.30). Now figured to play through the fall; improved to \$16,000; agencies selling fair number of tickets; reaches half-year mark next week.

'There Shall Be No Night,' Alvin (16th week) (D-1,434; \$3.30). Resumed engagement excellently; around \$17,000; will continue play two months before starting long tour.

'Tobacco Road,' Forrest (280th week) (C-1,107; \$1.10). Seats on sale through next week, but engagement likely to extend beyond then; quoted not far from \$5,000; plenty for this attraction.

REVIVAL.
'Kind Lady,' Playhouse (2d week) (CD-865; \$3.30). Topped \$10,000 the second week, and management expectant of a run; also inspires other showmen to plan revivals; several being slated now.

ADDED.
'Sim Bala Bim,' Morocco (1st week) (839; \$2.75). Harry A. Jansen's magic show, he carries the name of Dante, as he did abroad; high regard; topped \$6,000 in first eight times, which is good money at the scale; with Sunday night (15) performance, added taking should materially increase this week.

Sue L.A. Light Opera Co. for Back Royalty

A suit by Century Library, Inc., against the Los Angeles Civic Light Opera Assn., and Edwin Lester, its former manager, was revealed Friday (13) in N. Y. supreme court when the Opera Assn. applied for dismissal of service on itself, claiming that Lester, while affiliated with it, and he no longer is affiliated with it. Action claims royalties amounting to \$3,800.

The royalties are claimed due on last season's presentation of four weeks of operetta at the Philharmonic Stadium, Los Angeles. Operettas involved are 'Land of Smiles,' two weeks, \$2,500; 'Countess Maritza,' one week, \$800; and \$500 for breach of contract.

Ethel Barrymore Show Poor \$4,500, Montreal

Montreal, Sept. 17. Legit opened here to fair biz with Ethel Barrymore in 'School for Scandal' at 'His Majesty's,' six nights and two matinees, \$1.50 top.
Prem Monday (9) had good house but attendance fell off later in week, with gross coming out at \$4,500.
Miss Barrymore talked over Canadian station station CFCF, Thursday (12) on behalf of the Canadian Red Cross drive for \$5,000,000 which begins Sept. 23.

Lambertson Still Lambasts

Continued from page 43

munist and the marine personnel manager for the Standard Oil in New York, working in that job now.... Lambertson quoted the witness as saying:

"Among other correspondence printed in almost seven pages of the Congressional Record were letters from Helen Hayes, Tallulah Bankhead and other well-known stage stars. Lambertson also included a long reprint from VARIETY of July 24, carrying the account of the resignation of Dick Barclay, Ben Haskell and Fred Pisano."

Correspondence received since last Wednesday, Lambertson told VARIETY, cannot be made public at the present time, but should be of particular interest to the Dies Committee.

In Wednesday's Record the legislator remarked that:

"I have received denials of Communist affiliation from Messrs. Loeb, Heller, Sherman, Jaffe, and from Emily Marsh, and some interesting correspondence from the Theatre Arts Committee. I shall in the near future present these letters, together with a condensed account of my evidence as to the affiliations of these individuals and the organization, for the greater knowledge and education of the members of the Actors Equity Association."

"With other unions affiliated with the A. F. of L., such as the New York State Federation of Labor, Brotherhood of Railroad Signalmen, barring by formal resolution, Communists from seeking or holding office in those unions. It seems to me that Equity certainly should fall in line."

Equity Awaits Inquiry

Equity still awaits the sifting of Congressman Lambertson's charges that six members of the council are Communists or favor the Reds. Subject again cropped up at last week's council meeting when correspondence from the Kansas was read. There were argumentative fireworks for a time. It is the opinion of those who are anxious to clear the situation that at least two of those named by Lambertson are either 'pinks' or actually 'tainted'.

In a letter from the legislator he threatened to print his communications in the Congressional Record if Equity did not explain why his letters and charges were not printed in Equity's monthly magazine. It was brought out that after attorneys for Equity and affiliated stage unions had stated that printing the charges would open the way for libel proceedings, four of those named in the charges refused to give Equity releases for possible damage actions.

Testimony Public Property

If and when the Dies committee investigates the charges, the testimony will be public property and Equity proposes to use that material in its monthly, so Lambertson was

advised. It appears that at least one of his letters to Paul Dullizell, Equity's executive secretary, was not answered and that a reply to his letter demanding the explanation was not received. Dullizell thereupon sent a copy of his answer by registered mail.

One of the demands from Lambertson was that Equity furnish him with its mailing list. This was refused on the grounds that no one outside the association has ever been given the list. Congressmen's evident idea was to circulate the membership directly.

Reliably reported that Congressman Dies' committee investigating un-Americanism will soon fix a date to investigate the allegations against Equity. While Dies has not expressed himself directly to Equity, he has been in touch with several councilors and Bert Lytell, Equity's head. Clearly indicated that any delay on the part of Dies was occasioned by the pressure of investigating other charges.

From Washington it is stated that there is proof that the Theatre Arts Committee is definitely linked to the Communist party. TAC has been a bone of contention in Equity since it objected to benefits for Finnish relief. Quite a number of Equityites belong to that organization.

Considerable Criticism

There has been considerable criticism of Dies' methods. Those investigated are not permitted in the room until the committee is actually ready to question them, so they are not aware just what the charges are. Nor are any of those called by the committee allowed to introduce prepared statements of their positions. Explanation is that there is a change of procedure and statements tend to clutter up the Congressional Record.

Lambertson has received a letter from Helen Hayes, along with other communications sent him since he declared that the Federal Theatre Project for stage relief was dropped because of Communist activities. Miss Hayes expressed the hope that he would smoke out the Communists in the theatre. She was appalled by the charges and added: "If it is true, then of course I am behind you wholeheartedly in your battle to rid us of such a destructive force." Star wonderer, however, if whether those named had not acted because of the 'unquestioning' willingness to help the underdog, an outstanding virtue—or fault—of the profession.

Lambertson replied: "Your obvious ignorance of the situation in your own organization, a situation which has existed for the last eight years, can only indicate an indifference on the part of American citizens which is frightening when we consider the fate of Austria, Spain and France." His move has also been endorsed by Florence Reed and Tallulah Bankhead.

Repetition of Lambertson's 'Communist' accusations against Equity members drew protest again yesterday (Tuesday) in theatrical circles in New York. His inclusion of Alan Hewitt and Edith Van Cleave in his charges was particularly assailed. Revealing that the Congressman's letter, dated Aug. 28, had only reached him last week, Hewitt made public his reply, mailed Sept. 11. Actor reiterated that except for Equity and AFRA he is not and never was a member of or affiliated with any organization or group. He called attention once more to the fact that he had helped arrange benefits for Finland; that a number of people of recognized standing and integrity in the theatre had protested in his behalf.

According to Hewitt, what Lambertson calls an 'obviously Moscow-inspired resolution' would merely have put Equity on record against war 'just as senators Nye and Wheeler have been urging for the U.S.' In any case, Hewitt says, he did not vote in favor of the resolution, but merely on the parliamentary grounds that the proposal was not out of order and should be submitted to membership vote for Equity approval or disapproval.

In the case of Miss Van Cleave, Lambertson's assertion that she has sent me no denial of my charge of 'communist leanings' is flatly denied. Actress wired a denial and demand for retraction at the time the Congressman's accusations were first made public. Her telegram was printed in VARIETY and the dailies at that time. Neither Miss Van Cleave nor Hewitt is regarded in theatrical circles as having radical leanings.

Betty Field Due Back On Broadway in a Play

Hollywood, Sept. 17

Betty Field, currently on location with Paramount's 'Shepherd of the Hills' troupe at Big Bear, will plane east immediately after shooting is completed, probably going right into rehearsal for a Broadway show. She has several parts on the line, one being the female lead in Elmer Rice's untitled new play, which the Playwrights' Co. will produce.

She had been mentioned for George Abbott's production of John Cecil Holm's new comedy, 'And One for the Lady,' but revisions of the script are understood to be unsatisfactory, so the show has been indefinitely set back.

'Waukeek Outlook'

Continued from page 43

scheduled are Tallulah Bankhead in 'The Little Foxes' and Life With Father. All productions are given in the Paramount, city's largest house.

K. C. Bows With 'Skyark'

Kansas City, Sept. 17

Legit season opened here with Gertrude Lawrence in 'Skyark' Friday and Saturday, Sept. 13 and 14. Formation of the Kansas City Playgoers' League is expected to guarantee audiences for most complete season town has had since opening of the Music Hall in the municipal auditorium.

Organization of the League began Sept. 3 and by last weekend membership numbered fairly close to the expected 2,000 total. Membership in the league is acquired for \$1, and entitles holder to choice of seats week before general sale and also to a 10% discount on tickets.

Balto Subscriptions Up

Baltimore, Sept. 17

Subscriptions for American Theatre Society—Theatre Guild repertory of six plays to be presented at Ford's has taken a considerable spurt with the announcement that the Maurice Evans-Helen Hayes 'Twelfth Night' is one of the attractions booked. Both stars have played to sock big here before.

Subscriber count last year was 3,000. Well over 2,000 have already been chalked up for current season. John Little, Ford's manager, and Bess Shrinert, handling subscription, look for it well over 4,000 based on satisfactory reaction to last year's plan.

Dayton's Season

Dayton, O., Sept. 17

'Little Foxes,' with Tallulah Bankhead, at the Victory for matinee and night performance Sept. 25 marks opening of local legit season. Contracted is Gertrude Lawrence in 'Skyark' Nov. 14.

Additional theatre bookings are Katharine Hepburn in 'The Philadelphia Story,' Nov. 5 and 6; Alfred Lunt and Lynn Fontanne in 'There Shall Be No Night,' Dec. 2; Flora Robson in 'Ladies in Retirement,' Dec. 4; 'The Man Who Came to Dinner,' Dec. 11 and 12; 'Pins and Needles,' Jan. 1; 'Time of Your Life,' Jan. 16 and 'Life With Father,' no date, scheduled as yet.

Tibbett's Throat

Continued from page 3

San Francisco Opera, the company's schedule will probably have to be drastically revised, as it was being largely built around Tibbett; with two operas being revived specifically for him.

Announced that the baritone must undergo a series of physiotherapeutic treatments. He could probably be ready to sing again in two months, it is asserted, but is taking four months off to avoid any risk. He intends resuming singing in January. He is able to sing normal tones without effort or pain, it is stated, but has trouble in enunciating certain consonant sounds.

One of the biggest names in the concert field, Tibbett in the last few years has been regarded as at the peak of his career. He was estimated to have earned nearly \$500,000 season before last and to have topped that figure considerably last season. However, near the end of the concert season last spring he was forced to cancel several engagements in the midwest due to an attack of laryngitis, which was described at the time as only temporary. He was one of the founders and has been

Inside Stuff—Legit

Jill Esmond, English actress, who arrived in the U. S. several weeks ago with her four-year-old son, is making her permanent home in this country. She is currently living with Mrs. Emlyn Williams and the latter's two children at the Robert Montgomery farm near Brewster, N. Y. While here, Mrs. Williams is trying to arrange a Broadway production for her husband's London success, 'The Corn Is Green.' Williams is in the British Army.

Miss Esmond has had one or two offers for Broadway shows, but turned them down because she didn't like the scripts. Although she has played the required 100 weeks in America, the period wasn't completed until after Equity's 1934 deadline, so she still comes under the alien actor restrictions. Therefore, she cannot take a chance on a doubtful show, as she would have to wait six months before being eligible for another engagement. Only loophole in the rule, the stipulation that actors who go back to England after an American engagement are again eligible as soon as they return to the U. S., is now impractical, as it's virtually impossible for actors to get to England and back in time to appear in England, but not in the U. S. She is former wife of Laurence Olivier.

One of the current refugee stories concerns Ernst Sacks, young Viennese, who is composing the score of a musical comedy which may reach the boards this season.

Sacks left his homeland as leader of a student orchestra and toured the continent, landing in Paris, where he conducted a band and made records of American songs. Previously he played a saxophone but turned to the piano.

Sacks left behind his young fiancée, whose kin conducted one of the leading cafes in Europe's once-great capital. Girl, who later managed to join him over here where they were married, was so distressed after the German invasion that she lost 20 pounds in that period, which she has been unable to regain. Young wife had thought she never wanted to leave Vienna, but they now never expect to return.

Sack's father is one of the crack eye specialists in Europe.

Frank Gillmore visits his office in the Equity building, where the quarters of the Associated Actors and Artists of America were moved some weeks ago, but he rarely sees the present Equity leaders. One he has failed to see is Paolo Suller, his chief aide when he was president of the association. Dullizell occupies the office formerly used by Gillmore.

They are friendly during telephonic contacts, but ever since it was suggested that he take a salary slice as executive director of the Four A's, which he agreed to, Gillmore has been reserved in his relations with former associates. He no longer directs the Four A's, but will receive salary for the duration of his contract, which has over two years to run.

Fernando Wagner, founder-director of the so-called Pan-American (English-speaking) theatre in Mexico City which concluded its 'season' last week with 'The Second Man' by S. M. Behrman, is a German who speaks fluent English and Spanish. Although not much known in Mexico City of his previous theatrical experience, Wagner is said to have once been active around Chicago. His influence with the Mexican officials, whose cooperation is indispensable, has been noted, as has his ability to crash through the manana complexities that often baffle would-be impresarios in Mexico. His wife, Victoria Griffith, in addition to playing with the company, is a foremost Mexican dressmaker.

Howard Stehle was abruptly replaced last week as assistant treasurer of the Morosco, N. Y., where 'Sim Sala Bim' (Harry A. Jansen), the well-told-about tragic slaw, is playing. The show, which was placed, 'Doris' in the job, was made day after the show opened without apparent reason.

Under the treasurers' union rules replacement may be made in boxoffices during the first week of the season. Thereafter the ticket staffs are supposed to remain intact unless there are letouts for cause. Morosco is operated by the Shuberts. Understood Stehle will be assigned to another theatre.

Richard Whorf is designing the sets for 'Old Acquaintance' and, if it opens on time for him to be on hand to light it, for 'Bedfellows.' He also stage a new comedy of undisclosed title by John Krinsky. Later assignment also depends on whether the show can be readied in time to open while Whorf is still in New York with 'There Shall Be No Night.' Whorf has a principal role in 'Night' and also designed the sets for it. Drama reopened at the Alvin, N. Y., Sept. 9 and is due to go on the road after eight weeks.

When Ezra Stone recently appeared at Ridgefield, Conn., for a week there of 'What a Life' he was mystified when a bouquet of three orchids was delivered to him on the first night. The 22-year-old comic found out that the management had a standing order for flowers, name players paid ceiling him at this summer theatre having been swifter than place. The order for the Stone week had not been cancelled because the management had forgotten to do so.

'Louisiana Purchase,' now in its 17th week on Broadway, has been on velvet the past fortnight, having paid off its \$93,000 production cost. Of this, \$83,000 represents the actual show out and difference to Sam Goldwyn for Vera Zorina's salary, which had to start on a certain date regardless of rehearsals, and a settlement with Hildegarde, who decided the role intended for her was not suited to her talents.

George S. Kaufman turned his ankle slightly on the steps of the stage entrance to the Lyceum, N. Y., where he was directing rehearsals of his and Moss Hart's 'George Washington Slept Here.' He said he couldn't sue anyone about it, because he owns 'a piece of the joint.'

Authors are in the group headed by Sam H. Harris which recently bought the theatre. 'Washington' is starting tryout dates and is dated into the Lyceum Oct. 7.

In Carl Sandburg's biography on Lincoln is included a little known facet on the Great Emancipator and his fondness for the theatre.

Lincoln is quoted as believing that the theatre is a place for enjoyment; 'comedy and farce should be played; tragedy should be read at home.'

Irving Berlin and B. G. DeSylva will let their option lapse on 'Ring of the Virgin,' which they purchased last Oct. 26 via Dr. Edmond Pauker. Andrew Solt and Steve Bekefy authored the play, which the producers planned to convert into a musical.

The only president of the American Guild of Musical Artists and was recently elected president of the American Federation of Radio Artists. As AGMA head, he has been active the last couple of months in the union's jurisdictional dispute with James C. Petrillo, of the American Federation of Musicians.

Gaetano Merola, manager of the Los Angeles and San Francisco Opera Companies, flies to N. Y. this week to contact Edward Johnson, general manager of the Met, to secure replacements for Tibbett. The Frisco season was due to open with 'Simon Boccanegra' with Tibbett in the name role, this being the best of his characterizations, and the first performance of the opera in California history. The baritone was counted on for 'Girl of the Golden West,' both operas being hard to cast and no apparent replacements available.

Cancellation of the 'Simon' with a substitution of 'Don Pasquale' with Bidu Sayao, Tito Schipa and Salvatore Baccinelli and the use of Richard Bonelli in the Puccini thriller are understood to be possibilities now being discussed.



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Broadway

Eddie Small in town.
Walter Reade, Jr., taking flying lessons.

Cecil B. de Mille's Bill Pine in town for a few days.

Lack back after a month's sojourn on the Coast.

Wally Lohel, of the Roach staff, vacationing in Connecticut.

Howard Dietz back from six-week visit to the Coast Metro studios.

Charlie Williams in town a spell, a repatriate from the Hollywoods.

Gracie Barrie going into the Club Pierre Oct. 14, following Milli Monti.

Noel Madison, film player, dickered a couple of Broadway legit offers.

Alfred Ellings, secretary to Paul Dullizel at Equity, was formerly a magician.

Quite a few showfolk donating blood to the Allied War Relief. It's a voluntary contribution.

Republic cocktail-partyed Roy Rogers, western star, at the Warwick hotel yesterday (Tuesday).

Ned Brown of the Edington-Vincent agency is in New York from the Coast for a two-week stay.

Herbert Bayard Swope appointed an honorary member of the Turf Writers Association, which rarely so acts.

Charlie Weller, ex-trade news-papern, in U. S. Veterans' Hospital, Bronx, N. Y., would like to hear from his friends.

Joe Laurie, Jr., wears a William Jennings Bryan 1896 presidential button, just to duck all payments.

Bryan's platform was "free silver."

Thirtieth annual Paramount golf tourney will be held tomorrow (Thursday) on Adolph Zukor's golf course. Par. Pop Club handling details.

Charles S. Penon, with Universal's publicity department some years ago, to Rio de Janeiro to make his home.

At this week, his wife and baby accompanying.

Vera Gilmer, a Harry Conover model, got the "modern" cameo pro-duced in New York next month.

Lux tieup on artist Russell Patterson's recommendation.

Lincoln Dickey, recently in San Francisco supervising the Billy Rose Aquascope, back in N. Y. where he probably will remain until the windup of the N.Y. World's Fair.

Collier Young, Coast story editor of RKO, due in New York next month for confabs with Leda Bayard, eastern story head, and other h.o. execs. It's Young's first eastern trip since taking over the post.

Joseph L. Macaskala, accountant with Paramount since March, 1926, is the first man at the home office to be called out for active service in the National Guard.

Macaskala is a captain with the 71st regiment, 44th Division.

Al Tolson opened at the Shubert in "Hold On to Your Hats" last Wednesday night. His Aquascope track next afternoon. His four-year-old adopted son arrived on a visit from the Coast to see his daddy on the stage for the first time.

Australia

By Erle Gorrick

Gordon Ellis back from U. S. Williamson, "revived 'Student Prince' in Sydney.

Yehudi Menuhin concurred in Melbourne for war funds.

Lillian Russell (20th) did very poorly in Sydney for Hoyts.

Government will refuse to grant legit okay for "Till the Day I Die."

Luna Park, Sydney, wound up with a small profit on year's operations.

Charles Munro, poultry industry board adviser, government war effort.

Metro retitled "Gestapo" to "Night Train to Munich" for local playdates.

Revival houses growing again in Sydney and Melbourne on long-run playdates.

Shorts sponsored by the Canadian government will be distributed here by 20th-Fox.

Greater Union Theatres bringing back "Pinocchio" (RKO) for a third time in Sydney.

Fred Blackman produced "The Housemaster" ("Bachelor Born" in U. S.) in Melbourne for a picture for 20th-Fox.

With increase in basic wage due soon in New Zealand, pig moguls expect a further big build.

Twitrol loop planning revie similar to "Hellzapoppin'" in the sector, with Wallace Parrnell as producer.

Gorgi Pasha, magician, and Uncle Tom's Gang, kiddie show, have been set by Hoyts for loop runaround.

Paramount will erect larger premises in Sydney shortly. 20th-Fox recently opened new layout same spot.

George Sorlie, indie-vaude-revue operator, is striking successfully throughout Queensland with home-brewed talent.

Principal hits in Sydney have included "It's a Date" (U), "Gunner George" (ATP), and "My Favorite Wife" (RKO).

Covent Garden Ballet, after playing dates in U. S., is expected to return for another season under the direction of Williamson-Tait.

Janette Gilmer, who hit his popularity here years ago in "Rio Rita," is presently playing Tirol loop with "Smoky" Wells on two-a-day.

Anticipated here that Phil Reisman will book here here year-end to take looksee at RKO's activities, and to delve into the frozen coin problem.

Wind (M-G) started a second-run

bid in Melbourne at the Liberty for Greater Union. Pic completed first-run for Hoyts and Metro same spot.

Sir Ben Fuller, in association with Grant Carroll, sending "Charley's Aunt" on a roadshow tour of New South Wales, with Charles Norman in lead.

Homebrew publishers imitating Esquire, Time, Saturday and some pulpsters as wholesale importation mixed by government to conserve dollars.

Hillbilly Bob Dyer has had his contract extended by Tivoli Theatres.

Hoys putting out half-hour air session nightly to boost own nabe attractions.

Jenny Howard, Britisher, currently under contract to Tivoli loop, is also playacting twice-daily for Hoyts and airing once-weekly for the Australian Broadcasting Commission.

20th-Fox aired excerpts from "Lillian Russell" over the Australian Broadcasting Commission's network.

Exhibits are strongly opposed to radio airings of pix in this territory.

Cinesound has produced a short showing public how to act during an air-raid. Pic is being offered to all exhibitors. Government will produce about 12 shorts for propaganda use throughout this territory.

Minneapolis

By Les Rees

Scandinavian films into Lyceum on weekends again.

Carlos Molina and revue underlined for Orpheum.

Margaret and Lucille Riegert of Warner Bros. off for a Florida vacation.

State opening two hours earlier than usual during "Boom Town" engagement.

Roy Close, Pantages manager, back from Hollywood, where he was screen tested.

Fred Strom, Northwest Allied executive secretary, defeated in race for state legislature.

Peck Gomersall, Universal district manager, here to work on Minnesota Am. Co. circuit deal.

Twin City Variety Club resuming Saturday night open house entertainment festivities again.

Theatrical bunch held stag for Wilfred Perper, Ritz theatre manager, soon to wed his boss' daughter.

Charlie Winchell, Minnesota Amus. Co. publicity department head, host to a party of film critics on Canadian fishing jaunt.

Kansas City

By John Quinn

Pla-Mor ballroom opened fall season with Segur Ellis band.

Barney Joffe, tower theatre chief, had his tonsils clipped and back on the job.

New director for the Resident theatre, local playhouse, is Dr. Ila Montyleff.

Little Jack Little band moves into the Terrace Grand after current week at Tower theatre.

Four Franks, local vaude act, visiting the home folks before fulfilling a date in Topeka.

Jack Dempsey stopped off a couple of days to be third man in ring at Madison Square Garden.

George "Gabby" Hayes, Republic player, hosted by Bob Withers, of the Republic exchange, on a brief visit.

Frank Tracy's "Three Cheers" unit opened at Clarkburg, W. Va., with Ed Rickard and Mirth and Mack as last-minute additions.

John Pollack, in ahead of the Gertrude Lawrence "Skylark" company, setting details of two-day stand with Jimmy Nixon of the Music Hall.

Barrymore

Continued from page 3

from Aug. 15 to Sept. 30 last, so that the cost of making a picture for 20th-Fox. Then the light started, and his desire to keep away from the footlights.

Equity could prevent Barrymore from making pictures through its affiliation with the Screen Actors Guild, should Aldrich & Myers insist on holding him to the contracts.

Managers, however, do not desire to embarrass the star. They have proposed a unique settled sum from the next picture he appears in.

The deal is subject to the approval of the court, for Barrymore is bankrupt. If the court idea, Aldrich & Myers will call for the star to report for "Children" appearances at the end of the month.

Hollywood, Sept. 17.

John Barrymore signed with Universal for the top role in a comic whodunit, "Invisible Woman," to be produced by Milton Feld.

Romantic lead goes to John Howard, but the femme interest is still invisible.

London

Alfred Zeitlin a colic victim.

Phyllis Robins, vaude and radio singer, got divorce from David Ker-mode.

Third son born to former dancer, Mimi Crawford, now Countess of Suffolk.

Authorities have okayed use of old ticket stubs in view of the paper shortage.

John Baxter, megger with British National, draws a seat on company's directorate.

Bill Mills, formerly with Elisabeth Bernger Film Productions, has joined Ortus Films.

Lewis Broughton is taking up the resident management of Theatre Royal, Norwich.

H. McQueen-Pope's "History of Drury Lane" being held up due to wartime restriction on paper.

Dave Crowley, former English lightweight champ, and recently film acting, now in the Royal Air Force.

Associated British mulling "Spring Meeting" legit hit for next production following completion of "The Farmer's Wife."

BBC commentator James Drenforth has adopted two zoo leopards for the duration of war, paying \$4 per week for upkeep.

Acting Flight-Lieutenant Roderick Black-Leayard, is third RAF to win the Victoria Cross of actress Lesley Brown.

"The Fall of a Tyrant," Czech screen adaptation of Karl Capek's play, "Power and the Glory," will be released by British Lion.

Patrick Ahearn, film actor-husband of Renee Houston, disclosed liabilities of \$10,000 and assets at his bankruptcy examination.

All London theatres and cinemas now fully equipped with first aid, with entire staff drilled in the safeguarding in case of air raid.

Leslie Macdonnell only 10 per cent to hold commission in the Home Guard. He is Platoon Commander. Nearest to him is Harry Foster, Section Leader.

Profits on sales of Daphne du Maurier's new best-seller "Wind and Weather," being devoted to Soldiers, Sailors and Airmen's Families Assn.

Will Collinson, Jr., one of the Three Jokers, killed in air raid over London, was a member of the Royal Air Force recently. His two partners also called up.

Margaret Lockwood to play lead in Paul Soskin's filmization of "Quiet Wedding." Picture was with Paramount, but now likely to be with Columbia.

Julie Staffel, Czechoslovakian wife of music publisher Otto Heik, booked by George Blake for his new Holborn Empire revue, "Apple Sauce."

but now passed permit by the Ministry of Labor.

Hermione Bradbury to marry Capt. J. H. Willis of the Lancs. Her marriage to the Hon. David Tennant was dissolved in 1937. Bridegroom was decorated for gallantry in Palestine in 1938.

Switch in slackery dept. of 20th-Fox is occasioned by departure of Hugh Findlay. He goes on loan to Ministry of Information. Publicity will now be handled by Daphne Raglan of the London office.

Carroll Lewis concurred for Royal Air Force near Bristol and was flown back to London in a bomber. First time any servicemen was extended this privilege. He had an urgent appointment; hence the courtesy.

Bronson Albery asked Renee Houston to play the Margaret Mullins part in "Jeannie" tour, offering a big slice in salary, claiming "his work" be a good chance for her to make her name. But actress refused.

Humphrey Bradburne & Ruth Taub agency has been taken over by O'Brien, Linnet & Dunfee for the duration of the war now that Bradburne has joined the navy. Miss Taub left for Hollywood sometime ago.

William Mollison, who just produced "Smilin' Through," by Jane Cowell, who wrote it, under new plumage of Allen Langdon Marion, enacted male lead in this play 17 years ago, in Australia, for Williamson-Tate, opposite Gertrude Elliott.

Henry Cotton, golf champ, sent out to collect \$20,000 for war charities. To date his collections from exhibition matches exceed \$100,000. He has now joined the Royal Air Force, and pressure is being brought upon the government that he be made to resign, as he is more valuable as a player than as a flyer.

Atlantic City

Harry C. Volk, advertising director for Steel Pier, vacationing in Pocomo, and will go to Florida this winter.

Dude Ranch, nitery on boardwalk, closed Sunday (15). Stratosphere Room and Patio of Traymore also ended season.

Philip Cline, former m.c. at local

niteries here, signed up at local Army recruiting station and left for Ft. Monmouth, N. J.

WBAB announcer Paul Martin inaugurated new "happy birthday" program in which he sings original jingle each morning to localites celebrating birthdays.

Ellenor Lewis Kerr, daughter of P. Mortimer Lewis (Wells-Lewis theatre chain) tossed into water when sailboat capsized in Sunday's (15) storm. Clung to craft with four other persons for 10 minutes before rescued.

St. Louis

By Sam X. Hurst

George Lloyd back at b.o. for St. Louis symph society Municipal Auditorium.

The Kirkwood, Mo., Theatre Guild, Inc., will present nine plays during the season soon to start.

George Jessel and his troupe entertained inmates at the Shriners hospital for crippled kiddies.

Joseph Kay, formerly with Fandango-Marco, starting play series will produce floor shows at Club Casino, west end nitery.

Connie Boswell and Raymond Scott's orch move into the Chase Club, west end nitery Friday (20). It will be local debut for both.

John J. Fitzgerald, head usher with Ringling Bros., Barnum & Bailey circus, and Hilda Voorhes, equestrienne, were married here last week.

U. S. Marine band, under Capt. William F. Santelmann, will play a concert at the Arena Sunday (22) under sponsorship of Marine Corps Post 206, of the American Legion.

Carl Lorch band, Bert Granoff, Ted and Mary Taty and Emil and Evelyn constitute first show of season at Club Continental, Hotel Jefferson, getting under way Friday (20).

Leona Gerson, 19, chorusrig participating in the St. Louis Cavalcade at Municipal Auditorium, suffered chest contusions when accidentally struck by a heavy plank carried by a workman. Taken to City hospital.

Bill McGuire

Continued from page 3

by Ziegfeld, who constantly complained: "Where the hell is the second act?"

They still tell of the time that "Whoopee" opened out of town—and there still was no second act. Eddie Cantor, who starred in the musical, jumped in and, along with others, helped McGuire complete the script before the Broadway premiere.

In one instance, a dance play started rehearsals and he had but 10 pages of notes for the actors.

Along Broadway he was one of the best-liked men of the theatre. He had plenty of color and was extremely liberal—"sucker for a touch". After losing 40 pounds during his illness he told a friend how anxious he was to return to Broadway.

"I can't tell you how anxious I am to go back. Yet the whole thing has become such a problem to me that I am almost a living example of Jimmie Durante's 'did you ever have a feeling that you wanted to go and yet you wanted to stay?' . . . I am really anxious to get back to New York to do a show. The problem that I spoke of is my fear of the depression that will come over me when I get there and don't find the ones that I loved most. It seems that every time I definitely want to go back I mentally see myself in front of the Ziegfeld theatre, completely lost, without Ziegfeld. And yet I know I must go back, because I love New York, and in spite of the success which I am very thankful for, the movies, I love the theatre best and have a couple of shows that I want to do."

After long career as playwright on Broadway, deceased was taken to Hollywood by Joseph Schenck in 1930 and named as a writer on the Berlin on film for Douglas Fairbanks.

He returned east to write "Show Girl" for Ziegfeld and then turned back to pictures under contract to Fox. He later moved over to Universal where he wrote several films, and while on loanout to Goldwyn scripted "Kid from Spain" and "Roman Scandals" for Eddie Cantor.

McGuire switched to Metro when that studio bought his "Ziegfeld Girl" from Universal along with his services. There he was made writer-producer on "Rosalie" and "Girl of the Golden West." He moved to 20th-Fox early last year after turning in script of "Ziegfeld Girl" to Metro. First writing assignment there was "Lillian Russell." He was preparing "Story of Sam Dreben" when stricken.

Hollywood

Eleanor Powell to New York by boat.

Wallace Beery to Wyoming to hunt bear.

Sam Berkowitz is now James S. Burket.

Ivan Goff broke an ankle playing ping pong.

Lana Turner granted divorce from Artie Shaw.

Joan Brooks' new screen name Joan Leslie.

Dave Snell broke a finger on his 35th birthday.

John Elliott recovering from a major operation.

Robert Hunt joined Warners scenario department.

S. Sylvan Simon returned from a month in Honolulu.

Warner Exchange club tosses its annual picnic Sept. 24.

Eddie (Rochester) Anderson on a midwestern stage tour.

Alfred J. Cohen out of the hospital and back to work.

Frank Condon at home recovering from a major operation.

Frank Lloyd returning from Manhattan via Panama Canal.

Bob O'Donnell dropped in for huddles with Samuel Goldwyn legiter.

John Beal back after a year's absence to resume film work.

Charles R. Rogers back to work after several weeks' illness.

Douglas Churchill, film newsmen, ill for a month, lost 65 pounds.

Judy Canova has featured spot in the Boston Food Show Oct. 5-13.

Joseph Buloff, New York legiter, in town for two indie pictures.

Dinty Doyle is doing publicity for St. Mary's College in California.

Lucien Hubbard on a three-month leave of absence from 20th-Fox.

Evelyn Brent back in town after 18 months on the road in vaude.

Murry Weintraub joined Liechti & Enlander agency as an associate.

William Farnum celebrated his 50th anniversary in show business.

Charles P. Skouras and Charles A. Buckley back from New York confabs.

Blake McVeagh checking out of Warners to open his own publicity office.

Lynne Overman sold his Brentwood home and is moving to a valley ranch.

W. Ray Johnston bought a Newhall ranch as his permanent California home.

W. Frank Freeman, Jr., shot a 72 to win Paramount Studio Club's annual golf joust.

Larry Witten joined Al Kingston agency associate in charge of musical talent.

Buck Jones back from Dallas where he was honor guest of 7,500 Boy Scouts.

Michael Hogan doing a one-picture writing job, still untitled, for Edward Small.

Gerta Rozan of New York stage checked in at Universal for her screen debut.

Robert Carroll sailed for Honolulu to smoke up three stories for RKO in three months.

Bob Tapscott nursing a wrist wound sustained while opening a bottle of cognac.

Peggy Ann Kent Westmore filed suit for divorce against Ernie Westmore in Las Vegas.

Harvey Foster new casting director for Hal Roach, succeeding Earl Rettig, who joined Walt Disney.

Jules Selzer, former Hal Roach publicity staff, to manage the film department for Western ad agency.

Pittsburgh

By Hal Cohen

Maestro Herman Middleman has his injured ankle in a cast.

Jack Olsen, local trombone player, has joined "Tommy" Carlyn's orch.

Freddie Herrick is quitting Joey Sims' sax section to study medicine.

Jackie Heller in Hollywood house-guesting for several weeks with Dave Rose.

Guitarist Mickey Ross has left Baron Elliott's band to form his own outfit.

Mrs. Dave Left has fled suit for divorce against the local nabe theatre owner.

Whacky Wayne out of Millvale Nuttery for a Columbus night spot engagement.

The Harry Fleischmans' lad, Norman, and Dorothy Guskys were sealed Sunday (15).

Harry Kaimine has been reelected commander of Variety Club's American Legion Post.

Polly Rowles has been approached to do Shaw's "Pygmalion" for the Playhouse this season.

Brian McManis, newsmag, has enrolled as a freshman at the Carnegie Tech drama school.

WCAE announcer Sumner Granby and Gertrude Perlman have announced their engagement.

Ex-local youngster, 20-year-old Jimmie McKean, is Gene Krupa's new drummer-boy protégé.

Ben Stahl, formerly of Film Row, has taken over a new newspaper distributing agency in Farrell, Pa.

Jean Owens, formerly of dance team of Libertio and Owens, home from New York with the baby for a visit.

Joe Vogel in from New York for Mickey Rooney's opening and conferees, with Mike Cullen and Marty Burnett.

OBITUARIES

WM. ANTHONY MCGUIRE
William Anthony McGuire, 59, playwright, film writer and producer, died Monday (16) of uremia at his Beverly Hills, Cal., home. Taken ill seven weeks ago with kidney ailment, he was removed to Cedars of Lebanon hospital. He was maimed there two weeks and was maimed there when recovery seemed assured, but shortly thereafter suffered a stroke. He was in coma for 48 hours before his death. Rosary services are being held today (Wednesday) and body is to be dispatched to Chicago for interment. Further details in legit section.

HENRY P. SOULIER
Henry P. Soulier, 84, owner and operator for almost 40 years of the old Lyric theatre, Hoboken, N. J., in addition to other theatre holdings in upstate New York, died Sept. 10 at the Monmouth Memorial hospital, Long Branch, N. J., where he had undergone an operation for appendicitis.

Unveiled in 1890, the Lyric pursued a 'straight' vaudeville policy until the late 1920s, when the house shifted to vaudeville. Perhaps its most celebrated production was Christopher Morley's revival of 'The Black Crook' in 1929. Thereafter Soulier retired and the theatre remained dark until seized for back taxes by the City of Hoboken in 1937. It was later razed.

Since his retirement Soulier had lived in Rumson, N. J., a daughter-in-law and several grandchildren survive.

WARD STEPHENS
Ward Stephens, 61, a boy prodigy who later distinguished himself as a pianist, composer and orchestral conductor, died Sept. 11 after a short illness at St. Luke's hospital, N. Y. A former assistant conductor for the Manhattan Opera House, N. Y., he studied under Brahms and made his debut in Paris in '96. He composed two symphonies in addition to scores of songs, both religious and popular. Stephens served as accompanist to several of the masters including Kreisler, Paderewski and Chaminade. Later, he taught voice and acted as organist for several churches. The founder of the May Mozart Festival at Harrisburg, Pa., he was organist for the St. James Protestant Episcopal Church, the Bronx, N. Y., at the time of his death. He was a former governor of the Musicians club of New York.

He leaves his widow, Mrs. Ida Stephens, a daughter and a brother.

GEORGE W. COLLINS
George W. Collins, 54, vice-president of Republic Pictures Corp. of Pittsburgh, died suddenly at his home in that city Sunday (15) after a short illness. He suffered a heart attack just a week ago and was apparently on the road to recovery when death came.

Collins left Brooklyn, where he was in the candy business, for Pittsburgh in 1918 and had been in the film distribution end ever since. He was a city salesman for the old Pathe company and left that outfit to represent Principal Pictures in Pittsburgh. In 1934, he joined Republic as northwestern state representative and later became v.p. of that company's franchise-holding corporation in Pittsburgh.

Collins leaves, besides his widow, two sons and three daughters.

JACK PARKER
Jack Parker, 47, radio and musical comedy singer, whose real name was Horace E. Ruess, died Sept. 11 in Grasslands hospital, Eastview, N. Y., after a long illness. Starting on the air some 14 years ago, Parker had tenored with the Men About Town, on the 'Believe It or Not' program, and for Royal Crown Cola. His most recent appearance was with the 'Manhattan Merry-Go-Round'.

A native of Englewood, N. J., Parker served as a choirboy in his youth, later graduating to musical comedy and road tours in operettas with the late De Wolf Hopper. A member of the American Federation of Radio Artists, he lived in Port Chester, N. Y. His widow, Jeanette, and a daughter, Alice, survive.

HARRY J. STEEL
Harry J. Steel, 79, for years manager of the old Grand Opera House (now the Capitol Theatre), Reading, Pa., died at his home there recently. A native of Philadelphia, he went

to Reading more than 40 years ago and operated the house, then the principal legitimate theatre here, for more than 20 years. Steel booked many of the great stage players and also organized troupes of vaudeville players covering a circuit of theatres in the Pennsylvania anthracite belt.

In recent years Steel and a son, the late Winfield Steel, conducted a commercial photography business in Reading.

WILLIAM ANDERSON
William Anderson, 69, one of the pioneer impresarios of melodrama in Australia, died recently in Melbourne. Anderson broke into the entertainment biz as a billposter, finally amassing a fortune with meli-ers long before the talker area. His wife, Eugene Duggan, was a noted figure in stock for years, and it was through Anderson that Bert Bailey, foremost Aussie actor presently, secured his first chance as a comedian. Anderson also dived into outdoor amusements, and was interested in roller-skating ventures.

JOSEPH ENGEL
Joseph Engel, 50, veteran carnival and night club figure, died Sept. 13 in a Wilmington hospital after suffering a heart attack that morning at his home near the Black Cat restaurant and night club, Wilmington, which he had operated for 11 years. Before coming to Delaware, Engel had traveled widely in the U. S. and South America with carnivals.

Survived by two brothers, Max and Jack, associated with him in Black Cat, and a son, Harold.

WILLIE SELBINI
Willie Selbini, 62, who appeared with his wife in vaudeville and circus in a bicycle act known as Grovini and Selbini, died Sept. 15 at his home near Somerville, N. J., after a long illness.

He retired 15 years ago to his Somerville farm after performing on leading vaude circuits, with the Ringling circus and as a member of the Watson-Dupree Co.

EDWARD J. LE SAINT
Edward J. Le Saint, 69, film veteran, died Sept. 10 at his home in Hollywood after a long illness. As director and writer in the silent era, he put in 18 years with Biograph, among other early companies, and became a character actor about 10 years ago.

He was a stage actor in Philadelphia as a boy and moved to Hollywood in 1912 to join the early film colonists. Surviving is his widow.

CLARA HUNT HOWARD
Clara Hunt Howard, 79, who once mezzo-soprano with the Metropolitan Opera Co. and had appeared before British royalty, died Sept. 12 in Rodman, N. Y.

Widow of Professor Edwin Howard, with whom she taught music for 15 years in Eau Claire, Wisc., she had been retired for several years.

ALPHONSE LE MAY
Alphonse Le May, one of the organizers of Theatrical Stage Employees' Union, formed in March, 1895, and a charter member of Troy (N. Y.) Local 285 as well as its financial secretary for years past, died of a heart attack last week in Troy while visiting an ailing son.

TOM CASE
Tom Case, 60, for years connected with (The Stage), London theatrical periodical, died in that city Aug. 28. He was a founder of London's original vaudeville club.

MILDRED COUVIERE
Mrs. Perry Buoy Caswell, 38, who appeared in vaudeville as Mildred Couvriere for 15 years, died in Newark, O., Sept. 11.

THOMAS J. FOWLES
Thomas J. Fowles, 60, former owner of the Idol theatre, Lodi, O., died recently at Wellington, O., of a heart attack suffered while driving.

Father of Don-Liberto, dancer in 'DuBarry Was a Lady' and formerly of the team of Liberto and Owerly died suddenly at his home in Pittsburgh last week from injuries suffered when he fell from a scaffolding.

William Bankhead, Speaker of the House and father of actress Tallulah Bankhead, died Sunday morning (15) in Washington.

Sign of the Times

Architectural Forum, a Luce publication, which celebrates its 10th anniversary with the October issue, will switch from a decade of the 'American home of the past' to a campaign in behalf of 'the American home of the future.'

In this connection, already inquiries have been coming into the Time-Life-Fortune organization asking—in all seriousness—what provisions are the American homes of the future making for bombproof cellars?

lulah Bankhead, died Sunday morning (15) in Washington.

Brother of G. B. J. Fawcley, Paramount executive, died Sept. 14 in New York.

Wisconsin State Fair In Red for \$30,000

Milwaukee, Sept. 17.
Wisconsin's state fair, held in this city the last of August, went into the red to the extent of \$30,000, it was disclosed by Ralph E. Ammon, director of the Department of Agriculture and manager of the fair, in an appeal to the emergency board to make up the deficit.
Four days of rain and five of cold weather were responsible for the flop.

MARRIAGES

Anne Johnson to Axel Petersen, in Calgary, Alberta, Aug. 31. Bride is legit and radio singer.
Hazel Marguerite Lovett to Clyde Hugel, Sept. 8, in Chesnee, S.C. Groom does a hillbilly act over WIS, Columbia, S.C.

Virginia Verrill to James Breyler, in Dubuque, Ia., Sept. 11. Bride is radio singer; he's with the Chicago office of Music Corp. of America.

Doris Harris to Roy Ivey, in Yuma, Ariz., Sept. 7. He's an assistant cameraman at RKO.

Betty Judell to Jerry Horwin, Sept. 15, in New York. He's scenarist and playwright; she's on the editorial staff of Architectural Forum.
Louise Stewart to Carl V. White, in Atlantic City, Sept. 12. Bride is legit; he is singer with Alex Barth orchestra.

Chuck Miller, program director of KFAB-KFOR, Lincoln, Neb., to Josephine Thomas, non-pro, in Lincoln, Neb.

Marjorie Thomas, former continuity writer, KFAB-KFOR, Lincoln, Neb., to Art Barnaby, former KFAB quartet member in New York.

Alice G. Schmitz to William D. Gaddoni, in Albany. Bride is with local Warner exchange; he's head M-G booker in Albany.

Lucille Lubic to John P. Harris, in Wheeling, W. Va., Aug. 10, just announced. Groom's a manager for Harris theatre chain and son of former Senator Frank J. Harris, head of the circuit.

Dottie Messmer, singer with Radio Mads, to Beverly Pendleton, Sept. 9 in Reno.

Arthur Radkey to Virginia Hartford, in Cincinnati, Sept. 15. He's acting educational director of WLW, Cincy.

Martha Scott to Carleton W. Alsop, in New York, Sept. 16. Bride is a screen legit and radio actress; he's a radio executive.

Phyllis Fraser to Bennett A. Cerf, in New York, Sept. 17. Bride is story editor at McCann Erickson advertising agency; he's the Random House publisher.

Bettina Hall to Raymond Rubicam, in San Francisco, Sept. 16. Bride is musical comedy actress; he's chairman of the board of Young & Rubicam ad agency.

BIRTHS

Mr. and Mrs. Sonny Lamont, son, in Santa Monica, Cal., Sept. 10. Mother is the former Betty Burgess, film actress; father is film player.

Mr. and Mrs. Johnny Denman, daughter, in Denver. Father is manager of the Broadway theatre, Denver.

Mr. and Mrs. George Diamonds, son, in Tucson, Ariz., Sept. 9. Father is an indie theatre operator there.

Mr. and Mrs. Robert McNeill, son, Aug. 16, in New York. Father is time buyer for the Blackett-Sample-Hummert agency.

Mr. and Mrs. Tom Gerety, daughter, Sept. 14, Rockville Center, L. I. He's in Metro's home-office ad staff; she's the former Nathalie Hammerstein.

Literati

PM's Mutilations Scoop

PM, New York's new daily, got itself a smash publicity break last week in connection with the Hercules Powder Co. blast at Kenilworth, N. J. Paper, 11 days before, had predicted a Nazi-inspired catastrophe of this nature. Henry Paynter, in a series on Fifth Column activity, wrote: 'Gyssling (Dr. Georg Gyssling, German consul at Los Angeles) was present at a meeting in which plans to dynamite the Hercules Powder Co. were discussed.' However, plant at which Paynter and, apparently, the FBI thought the Nazi plot was aimed was the Hercules factory at Hercules, Cal.

Ed Levin, chief of PM's promotion department, nevertheless immediately called the Paynter story to the attention of news services and radio networks. As a result, the AP, UP, Transradio and Canadian Press Association, sent out excerpts from the story giving PM full credit. Radio networks read the piece on news programs, also passing a palm to the daily.

Johannes Steel, foreign news commentator, nominated Paynter, assistant managing ed of PM, for a Pulitzer prize in recognition of the greatest journalistic scoop in many, many years.

Kenilworth blow-up, incidentally, was the first really big local story on which PM, since its inception June 18, has had an opportunity to show what it can do. It tossed out a number of its regular departments to give several pages of extra text space to the story, but won cheers principally for its picture coverage. Large staff of topnotch photos turned in a flock of beauts, which were used by at least one Broadway film house as stills out front to sell newsreels on the blast. Leo Lieb, one of the lensers, went to Jail for three hours for snapping an excellent interior of the Kenilworth school auditorium, which was being used as an emergency hospital. He got the plate safely to the paper, however.

Pegler Bats 1,000

His second guilty verdict in six months was won Saturday (14) by Westbrook Pegler with the conviction in New York of George Scallise, president of the Building Service Employees Union (AFL). First victim of the Scripps-Howard columnist's crusading against labor racketeers, Willie Bioff, IATSE chief, will leave a Chicago cell on Friday (20) after finishing a six-month sentence for pandering. Pegler revealed that Bioff had never served the term imposed on him 18 years ago.

Scallise first made Pegler's pillorying pillar Jan. 19, 1940, when the columnist, in an open letter to William Green, disclosed that Scallise had been at one time sentenced to four and a half years in Atlanta pen for white slavery. Scallise was described as 'a vicious mobster' and 'criminal of the vilest type' by Pegler.

Columnist continued to bat at Scallise intermittently, among other things revealing that he had a 27-room mansion in Ridgefield, Conn.

Biography on Sime

A biography of Sime Silverman, founder of VARIETY, is announced for winter publication by Wilfred Funk, Inc., authored by Dayton Stoddard, formerly on the N. Y. Sun dramatic desk and later a theatrical pal.

A commitment by VARIETY mugs Abel Green to Bennett Cerf (Random House) for a history of VARIETY and Sime still awaits a when-and-if completion of the assignment.

VARIETY also will figure in the forthcoming 'History of Vaudeville' that the N. Y. World-Telegram's Douglas Gilbert has completed for Whittlesey House (McGraw-Hill), and also in the tome that Joe-Laurel, Jr., has been working on the past few years, also due for publication in a year or so.

Speed's the Word

Unusual treatment has been given 'Voice from England,' series of letters by Robert Westbury, by Duell, San & Pearce, Inc., who is publishing the book today (Wednesday). To get the volume out as quickly as possible publisher has reprinted it in facsimile, making printing plates directly from the letters. Although bound as a regular book, DSP was able to advance publication date a

week by the facsimile method. Last letter is dated Aug. 28.

Westbury, who is serving with the British Army, was working on a script with film director Alfred Hitchcock when called to service. He's the author of six novels and in his letters recounts his feelings and observations of the war.

Mrs. Segar's Big Award

Mrs. Myrtle (Alan) Segar, widow of the creator of the 'Popeye' comic strip, won an award expected to amount to \$200,000 from King Features syndicate in N. Y. supreme court yesterday (Tuesday). Decision was handed down by Justice J. Sidney Bernstein. Award includes all the subsidiary rights to the cartoon, including the Max Fleischer film series, and all toys, games and novelties.

According to the suit, the syndicate had refused to pay the plaintiff for the sale of the subsidiary rights, claiming that all rights had reverted to the syndicate with Segar's death in 1939. Under the decision, which grants an injunction and accounting, King Features retain rights to the feature. Fanny Holtzmann was attorney for Mrs. Segar.

10G Libel Suit Vs. Macfadden

A libel action for \$10,000 damages was filed in the N. Y. supreme court by Chiquita Corrales, professional dancer, against Dave Elman and Macfadden Publications, charging misstatements in an article published in the April, 1940, issue of 'True Stories', and written by Elman.

Plaintiff claims that the story stated that she was contemplating suicide and had lost seven inches off one leg as the result of an accident. Plaintiff claims her name was used in the story and obtained through misrepresentation.

LITERATI OBITS

Gibbons (Gib) Marsh, 61, vet Pittsburgh newspaperman, was found dead in bed Monday morning (16) of a heart attack. Marsh was a reporter with the old Pittsburgh Gazette, covering the flight of Biddle Brothers, and went to Mexico for the defunct tri-state news bureau on the Pancho Villa hunt. Until a year ago, he conducted a weekly 'Outdoors' column for Sun-Telegraph, Hearst daily.

William Henry (Harry) McCarthy, 63, sports and turf writer, died at Saratoga Springs, N. Y., hospital Sept. 10 after a long illness. He was once sports editor of the New York Morning Telegraph and a writer of racing news for other papers. Survivors are widow, two sons, daughter, sister and brother.

Dr. Glenn Frank, 52, author, educator and editor, died Sept. 15 in an auto accident near Greenleaf, Wisc. His son, Glenn, Jr., driver of the car in which they were riding, was fatally injured.

Assa George Baker, 73, chairman of the board of the G. and C. Merriam Co., publishers of dictionaries, died Sept. 10 in Springfield, Mass., after a short illness.

Allison Stone, 67, for 23 years associated with the Providence (R.I.) Journal and its publisher since 1938, died in that city Sept. 11 after a month's illness.

CHATTER

Sonja Henie's career has been put into book form by Prentice-Hall.

Ruth Waterbury is the new president of Hollywood Women's Press Club.

Ben Hibbs, associate editor of the Country Gentleman, Curtis mag, has been upped to editor. He succeeds Phillip S. Rose, who will retire.

J. R. Conroy, editor of the Atlantic City Daily World, resigned to purchase the Goldsboro (N. C.) Herald, a weekly, which he will publish.

Glen W. Naves, of the Spartanburg (S. C.) Journal, elected v.p. of the American Air Mail society at its recent annual convention in Toronto.

Fashion writers, in behalf of the new campaign for 100% American styles, are now getting publicity quotes in industry ads like film and dramatic critics.

New Ernest Hemingway book will be published by Scribner's in November. Labeled 'For Whom the Bell Tolls,' it has a Spanish war background. It's a Book-of-the-Month Club selection.

WHAT THEY THINK

Tribute to a Mother

Brooklyn, N. Y.

Editor, VARIETY:

Whenever our neighborhood Mothers Club attends a screen play, stage show or radio broadcast along the Great White Way or Radio City, we have a sort of "What We Think Discussion" on our next meeting. Wednesday evening, Sept. 4, 1940, we attended Harry Salter's "Song of Your Life" broadcast. This program was a blend of comedy, pathos, opera and sentiment. What impressed us most was the lovely silver-haired old lady smiling and smiling. Undoubtedly, it was his cheerful manner that gave her courage to approach the microphone and tell her beautiful and impressive story.

When Clark Dennis, in his lovely tenor voice, sang the "Song of Her Life," we noticed she glanced at him for a moment, then turned away. We wondered whether "something" got in her eyes, or was she trying to hold to that old stage tradition, "The Show Must Go On." As Mr. Dennis sang, "Wonder What Be-comes of Sally?", something got in our eyes—it was neither smoke nor the moon, but if stardust creates moisture, it was just that—for we, too, remembered how often her boy sang the "Song of Her Life." However, the moisture soon disappeared when Clark Dennis presented her with an old fashioned bouquet. She glanced at the card attached, then walked over to Mr. Salter, the orchestra leader, shook his hand gently, and gave him a motherly kiss. Evidently the flowers were from him as a tribute in memory of her son, the late Joe Schenck, of Van and Schenck.

It was all so real and the first time we ever heard a Stage Mother broadcast. We often heard a certain radio star call his mother on an imaginary telephone, and occasionally when a pugilist wins a fight, he is brought to the microphone to say, "Hello, Mom, it was a great fight," when the poor fellow would much prefer to have a tank of oxygen placed beside him. That just doesn't seem real . . .

And, so, Mothers Club decided to tell VARIETY that we think it would be just grand to have real Stage Mothers on the air to tell us something about their sons and daughters, just like the lovely silver-haired lady who was on Harry Salter's "Song of Your Life Program."

Mothers Club of the Bedford Section, Brooklyn, N. Y.
(Per Mrs. A. F. Fleck.)

'What We Joined AGVA For'
San Francisco.

Editor, VARIETY:

I have been trying to find out, like many of the acts here at Ripley's since May 25, 1940, what we joined AGVA for. I have written several letters to the San Francisco office and up to date have not heard from nor seen any official. Several of the acts have called up the AGVA office and they were going to call upon them in an hour that day, but weeks have gone by since those calls to the official agent.

I, for one, am trying to find out why Miss Palmer and myself paid \$40 to work here. Now we are all but one working below union wages and still belong to the union, and see no one from the union—Believe it or Not.

Maybe you can tell me what to do or how to go about getting some results?

I was told if I wrote to you I will lose my job here, and we came 3,500 miles out at our own expense to get here. There are plenty on Treasure Island (San Francisco Exposition) in the same boat and can get no redress. The Union official here asks for their money when due, but all those who contact the office, never get passed to see the official. There is plenty of proof here if you want it.

Clarence L. Rivers
(Rivers & Palmer, Liquid Air Act, c/o Ripley, Treasure Island, S. F.)

Baltimore's Alvino Rey
New York.

Editor, VARIETY:

Before publishing the last paragraph of the article, "Biz Bad, Bands Cut Supper Session," it might have served a good purpose had you called up myself to verify the 'supposition' it contains.

The fact is, I went to Detroit and

personally picked Alvino Rey's band for the Baltimore Roof, after hearing his and two others. He was engaged on a contract that provides for a two-weeks' notice of the termination of the engagement. Many patrons alleged that he "blew them off the Roof"; at any rate, a number told us they would not continue to patronize the Roof as long as his band stayed.

The two weeks' notice of the severance of contract was given by the management of the hotel, after a trial continuing almost two months had failed to justify our optimism. If there was a 'lack of somebody to play to,' the answer may lie in some other direction than fault of the hotel management.

The Baltimore,

(By W. H. Horke, Mgr.)

Capt. Billy's Big Biz
Cincinnati.

Editor, VARIETY:

Thanks again for the front page plug. I sure owe you all a huge weekend cruise on the showboat.

Have had a lot of press breaks this year and business has been the result. I have ever experienced. Jack Norworth was on the boat the other night. No need to tell you, he and Nora Bayes turned out "Shine On Harvest Moon," "Take Me Out to the Ball Game" and other hits. Like the grand trouper he is, he came upon the stage at my invitation, greeted and sang his numbers. He is still a "T" boy. They loved him—he should. He stopped the show cold for about 40 minutes. He was here with Dick Bishop and a New York cast at the Theatre for the Nash Motor sales drive.

Billy Bryant.

Rating Stars

Continued from page 1

ning, acceptance of actors, Gallup has also done some work for RKO on directors, although this has not been so extensive.

In addition to its work on stars and directors, Gallup is testing audience reaction for RKO along seven other lines. Among these are pulling power of titles which are being considered, appeal of stories which are being considered, effectiveness of advertising and publicity campaigns by various companies on various pictures, and an attempt to determine why people don't attend pictures more often.

Other Audiences Reactions

Analysis in every category is made according to age of audience, by economic groups, by geographical region and by size of towns. There has been much discovering, for instance, that while a star may be popular with adults over 40 in well-to-do sections of big cities in the east, he may find his greatest popularity with kids in poor, small towns in the west.

Institute of Audience Reaction (RKO) is the only client at present makes a scientific study on every player having its 1,100 interviewers chat as long as two hours with a filmgoer to get at his innermost thoughts.

David Ogilvy, in charge of the audience reaction research for Gallup, refused to divulge any particulars of the work which started last March 1. He declared that "interesting and surprising conclusions" had been reached—not the least of which is that because of the many variable factors motion picture research is the most difficult the Gallup organization has ever tackled." Ogilvy praised as "amazingly good" VARIETY's recent research on why an estimated 32,000,000 persons who are financially able attend pictures less often than once a month.

One of the reasons the Gallup outfit refuses to make public the info on RKO is fear that any flops which the studio may hereafter turn out will be blamed at least partially on it, while it hasn't actually done work on every picture.

Prov. Strike Settled

Providence, Sept. 17.

Amicable settlement of a strike between picture operators of four of the Associated Theatres chain was announced. Operators of the Bijou, Empire, Park and Palace theatres walked out Sunday (1) when it appeared that difficulty would be encountered in arranging replacement of an expired union contract.

Nazi Pic Blitz

Continued from page 1

enough. They are hot on developing a market for full-length features.

This is the way it works: Representatives go to a nabe independent operator and tell him they have a moneymaker. Usually, knowing the general sentiment, he protests. Even if the film is acceptable to many, incidents in the past (when stench bombs have been tossed in houses sporting the Nazi flickers) make many wary.

But as explained to VARIETY by one exhib, they tell him they can guarantee the draw, offer to put up money to prove it. In a number of cases—and they are increasing—exhibitors have accepted. They rake in the pesos, too. For the well-organized Nazi communities have flocked to the houses in droves. They have orders.

As a result, exhibs who have tried the offer, while sometimes feeling guilty, insist like their brothers in New York, that "they have to live." The Nazis have even used pix made before the advent of Hitler to show the "popularity" of German-language vehicles.

Sell at Low Figure

Idea is easy to understand. When the new German pix come along they'll sell at a figure which will permit the officially controlled representatives to sell a whole block. And also build a rep which will get the films into the big downtown houses here and elsewhere. So far latter have carefully avoided anything in German.

Fear psychology—the idea that Hitler is sure to win, so get on the bandwagon—is more subtly handled. It's been used in almost every line. Nazi reps here have placed orders for delivery of goods in October and November, when the blitz is supposed to be finished. They even put up retainers as evidence of their good faith.

While many in the entertainment biz and other lines discount this as pure bluff propaganda, others, after some of the headlines, take it pretty seriously. They aren't as well set up on defense here as in the States.

Once they try and find they make dough the word spreads—which is just what the propagandists want. For they believe that as they get greater distribution, the number of anti-Nazis who see the forthcoming pro-Hitler pix will jump.

B. A. taken as the testing ground. If the method works here in South America's largest and most cosmopolitan metropolis, the Reich feels it will be successful elsewhere.

Cornelius Vanderbilt On Nazi Infiltration Into Latin Americas

Cornelius Vanderbilt, Jr., VARIETY's roving reporter—who plans to turn out one or more stories shortly on his Latin-American tour, as regards show business aspects—started an intensive lecture tour in Sacramento, Cal., Monday (16). He has 118 dates set by Christmas, all addresses on the subject of "Can We Enforce the Monroe Doctrine?" He has 49 additional lectures after Xmas. This falls a bit short of his 177 platform bookings last year.

To prepare for his new itinerary, again under the direction of the Horner Lecture Bureau of Kansas City, Vanderbilt spent five weeks in Mexico and seven weeks touring Central and South America.

Upon his return to America last week, he was closeted one and one-half hours with Secretary of War Henry Stimson, in Washington, who then instructed him to report his findings with additional detail to the War College at the nation's capital. Unofficially it is that the D. C. authorities told young Vanderbilt, who is on a roving assignment from Liberty, that his VARIETY chore is but a minor detail, in comparison to his "might tone it down a bit" on his lecture tour. Presumably the idea is not to create too much disturbance in the U. S. mind.

Seemingly, Vanderbilt's rhetorical query, "Can We Enforce the Monroe Doctrine?" as a theme for a season's lectures, puts emphasis on the negative aspects. He makes no bones about the Nazi infiltration into South America, through the commercial barter system; whereas the U. S. wants cash, and it's via the film and cultural aspects that Vanderbilt will turn out a couple of detailed stories for VARIETY, if the press of his stuff, literary and Liberty mag stuff permit.

FOOTBALL

By Dick Fishell

There are many prognosticators now getting themselves in the mood for what they'll undoubtedly call the gridiron blitzkrieg of 1940. They'll tell you just what team will wind up on top in every section of the nation and proceed to give you the reasons why. We will not use the expression, blitzkrieg, because this football season will be just like the rest of them with the underdogs getting their share of the upsets, and some of the favorites running true to form from start to finish. We'll not only tell you the potential champions in each section, but we'll go one further by also predicting the doormats in each division.

The East

There are three outstanding squads in this area, and one of this trio should go undefeated even if Dame Fortune doesn't smile on them all. Duquesne University, with a complement of two full teams, well-balanced, experienced and ably coached, rates as a tough outfit to beat on any Saturday afternoon. One of their greatest attributes is that they are not dependent on any one or two so-called stars. They have a group of nifty boys which always makes for outstanding team play.

Up Boston way Frank Leahy an old Notre Damer, has his entire squad back, supplemented by a large crop of good sophomores. Leahy is a soft-spoken, astute professor of the game, and he'll get all of the juice out of a full-ripe pigskin squad.

With a little more ivy on its walls the Cornell team rates as the third member of this trio because of their last year's record, accomplished by the same factors that returned to the fold with more poise and more power. Carl Snavely has an abundance of talent with young McCullough spearheading a team of speed and versatility.

The club that will have its head-aches in this area will be Brooklyn College. They will be the Chicago of the East.

Ten South

Tulane and Tennessee will again share whatever honors come to those below the Mason-Dixon line. Tennessee's greatest loss via the diploma was "Bad News" Cagelo, but the elusive Johnny Butler will make the Vols forget all about the Rose Bowl debris of last year.

Tulane, greeted many of their starters by the same newspaper sitting on the bench that could have easily started with any other collegiate institution. Their football is a business and they again should powerhouse their way to a title or a near title.

The question mark in the Dixie is Duke. Wallace Wade is never without the best of material, but his key men will be a trifling green. He lost two great ends and his greatest loss was the triple-threat, McAfee, one-man riot. Sewanee will be lucky to put 11 men on the field.

The Middle West

The Ohio State Buckeyes is the team to beat out there. Their backfield quartet of Scott, Strausbaugh, Langhans and Huff is the most potent set in the nation. That set, toward wall is strong and if they don't fold near the end of the trail, they'll grab the Big Ten title.

Notre Dame can never be held lightly despite the loss of 10 of their 1939 starters. In fact, Elmer Layden has actually missed in talking of his 1940 team and that's the most optimistic note that can be found.

Iowa and Northwestern will provide the principle competition for the Big Ten title.

In the Big Six setup Nebraska should have a party. They've got all hands back on deck and they may be in line for national leadership if the breaks come their way. The standout in the Rocky Mountain setup is Colorado. They've got more material than they know what to do with and their new mentor, Frank Plotts, can make these boys pay dividends.

The Purdue campus is in mourning—they'll sing many dirge this fall.

The Southwest

All eyes will be on Texas A. & M., as last year they will retain the bulwark of their power in the person of Johnny Kimbrough. This lad alone would make any eleven a powerhouse but he's got plenty of help to break the jinx that never permitted a Southwest champion to repeat.

The trouble down there will be caused by the Mustangs of Southern Methodist. They have many veterans

on hand and a group of brilliant sophomores.

There are no weak sisters in this league, but Arkansas will have its troubles.

The Pacific Coast are being touted as the potential champions. There may be good reason for this. But don't under-estimate last year's winners from U. S. C. The Trojans were hard hit by graduation but they get the cream of the crop, which always gives them enough talent to make them a contender. If those youngsters come in a hurry U. S. C. again might grab the Rose Bowl nomination.

St. Mary's without Slip Madigan will be stepped on unmercifully.

The Dark Horses

Here are five under-dogs that might come through with flying colors. Georgetown has been quietly building itself of the finest teams in the east. We say watch them.

Penn State has its best squad in 10 years...they've got to develop this year or not at all.

Mississippi State loaded for bear. That'll be the surprise of the South.

The sly Bernie Bierman has been getting the best of the high school talent again. He's almost ready and this may be the year.

A great freshman team at Georgia will take time to develop. A good start may work wonders for them this fall.

N. Y. FAIR EVOLVING INTO WEEKEND SHOW

Despite the extra effort to spot numerous special events and attractions, N. Y. World's Fair last week developed signs of sagging into a weekend exposition. Impetus of favorable weather failed to bring out crowds on weekdays, with the result that few of these days reached even 70,000. In striking contrast, the Saturday (14) paid attendance hit 228,328, just shy of the peak Saturday of the fairs the afternoon of that day. Sunday's paid gate soared to 260,300.

This great rush on the two weekend days was reflected by the moans of many concessionaires, who would prefer to have the vast crowds spread out more over the entire week.

Typical of the way various shows were packed on the two weekend days were the Aquacade, "American Jubilee" and "Railroads on Parade." Last named played to standing room at all four shows both Saturday and Sunday, with nearly 400 turned away every performance. Same was partially true at Aquacade and "Jubilee," with thousands turned down at the former. "Cade reported total attendance of 78,896 for the two days, with gross receipts so far this year reaching close to \$1,200,000. Eleanor Holm returned to the Aquacade last Saturday, following a brief illness.

Fair's "Music Week," starting next Sunday will highlight Irving Berlin day Sept. 26. Composer is slated to make a personal appearance, with his music being played on all Fair programs the day.

There was revival of talk to turn over the Flushing Meadows site to the army for cantonments housing the conscription army when it shutters Oct. 27. Proposition discussed previously was rejected by army officers, but the necessity of providing quarters for the conscripted groups in the metropolitan area is back of this new move. It would give the army a ready-made drill grounds, water, electricity and other facilities required. Numerous structures would require little or no alterations to make them suitable for army usage. Available structures and modern facilities likely would cover the cost of demolishing the buildings found unsuited for military work.

Fair-management views such a project favorably, it is reported, because it naturally would reduce the cost of demolition by the expo when the closing date arrives. Mayor F. H. LaGuardia, who is a Fair director, presently represents the U. S. on the Canadian-American joint defense commission, and may sway a final decision, once the city gives the go-ahead signal.

Tommy Claire now road managing the "Ellis Island" band. He's a former manager of Paddock Club, Miami, and Colony Club, Chicago.



THE KATE SMITH HOUR

Fourth Season... Grape Nuts ... CBS Network

Personal Management—TED COLLINS

SCREEN

RADIO

MUSIC

STAGE

VARIETY

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U. S. RADIO MAY QUIT REICH

Chi Mob Muscling Into Disc Biz; Jukebox Violence in St. Louis

Chicago, Sept. 24. A Chicago mob that controls 150,000 coin-operated machines in the Illinois, Indiana and Wisconsin areas is taking an interest in a proposition of a freelance recorder of New York that the mob go in for the manufacturing of phonograph discs. Success of such a venture is regarded as inevitable since not a machine, so the music trade understands, can be spotted within certain precincts unless the machine distrib first sees the mob's leader.

Through such a setup the band or numbers recorded would be of little moment; the discs would be put in the machines regardless.

St. Louis Jukebox Blues

St. Louis, Sept. 24. The smashing of four plateglass windows in the office of the Winrose Music Co., jukebox distributor, last week, is causing gendarmes a headache as they fear the act is a forerunner of a feud between distributors of the automatic machines. Morris Wand, manager, told cops the firm had placed about 50 jukeboxes in taverns and restaurants in the past several weeks but he knew of no

(Continued on page 55)

Metro to Axe Those Long Screen Credits; Others May Lop, Too

Hollywood, Sept. 24. Picture customers who have developed eye-strain reading the names of numerous Joe Doakes while waiting for action to begin on the screen, are about to get relief through an edict from Culver City. Metro is declaring a moratorium on unnecessary screen credits, and the rest of the studios are watching the experiment with expectant eyes.

The idea of whittling down the preliminary stuff, which consumes from 100 to 175 feet to a feature, has been discussed by picture makers for 10 years, but nobody has done anything about it. Meanwhile the credit lists have been growing longer and longer.

Ex-Diplomat's Daughter With Dance Orchestra

Philadelphia, Sept. 24. Patricia Prochnik, 18-year-old daughter of Edgar L. G. Prochnik, former Austrian Minister to the United States before the Anschluss, has joined Meyer Davis' orchestra as a vocalist to appear at private society functions.

Miss Prochnik, a blonde looker, was named the outstanding Washington debbie of the 1939-40 season. She said she had taken the canary assignment to help her family get back on its feet.

Democracy

Oklahoma City, Sept. 24. Oklahoma Network takes credit for helping Lieut. Gov. James E. Berry to decide whether to stay in his state job or go into active duty with the National Guard, where he holds the rank of major. Web had announcers in its various cities query people on the street about their opinions on Berry's dilemma.

Latter after listening in on the broadcast gave his decision to remain lieutenant governor.

RELIABLE OLD TIMERS BIG B'WAY B.O.

Veteran musical stars are enjoying a renaissance on Broadway, apparently as socko today as they were decades ago, judging by the success of such seasoned troupers as Al Jolson, Olsen and Johnson, Bert Lahr, in current Broadway stage musicals; while Harry Richman and Sophie Tucker are still doing socko business at Marden's Riviera roadhouse in Jersey.

Advance reports on Ed Wynn's new musical, 'Boys and Girls Together,' due in N. Y. next Tuesday (1) are highly optimistic, and Lee Shubert is talking with Eddie Cantor to round out the stage musical (Continued on page 62)

LONDONERS GAMBLE AS AIR RAID ANTIDOTE

London, Sept. 10. South of France, Monte Carlo and Le Touquet being no longer available for gambling, Londoners, including a number of foreigners, are turning their attention to local spots for excitement.

Numerous old mansions, located in the heart of Mayfair and Belgravia, and even further out, have opened up under cover. Gambling is a hefty pastime during air-raids. Even some private shelters are being utilized more for gambling than for taking cover.

One spot operates as a dancing school by day. Customers become so engrossed during one session that they failed to notice several youngsters arriving late one morning. Students became more interested in the games than their dancing. Head of the school finally decided to abandon teaching for the day, receiving extra chunk of dough for overtime consumed by the players.

TIRED OF NAZIS' SPOON-FEEDING

Considerable Expense to American Networks to Maintain Reporters Who Are Not Allowed to Report—Much More Liberal Policy in Great Britain

EUROPE A BLANK

Because of the severe degree and kind of censorship imposed by the Nazi government, there is a strong possibility of the American broadcasting networks withdrawing their staffs from Germany altogether. Only a real change of policy can offset Yankee disgust. Network officials, it has been indicated, are coming to the conclusion that the material broadcast from this source contains practically nothing of authentic news or informative importance, and that rather than keep up the pretense of giving impartial 'news' it would be both wise and

(Continued on page 62)

MAX BAER TO COMEDE IN NEW B'WAY MUSICAL

Max Baer, former heavyweight boxing champion, who fights Pat Comiskey in Jersey City, Thursday (26), has been signed for one of the principal comedy parts in the new musical-comedy being readied by Alex A. Arons and Robert Ritchie. Show, which is due into rehearsal late next week, is tentatively called 'Hiya, Gentlemen.'

Baer has done plenty of clowning in the ring but his stage ability is not so certain. When he held the title Hollywood used him for one feature, 'The Fighter and the Lady,' which was just so-so at the boxoffice. Fighter-comedian will team with Sid Silvers in the show. Jack Haley who was mentioned as chief funster is now out. Christina Lind who drew attention warbling at Fefe's Monte Carlo, class East Side nitery, last season, will have the femme lead. Ann Miller is another possibility.

BREAK FOR BANDS?

Expect Networks to Give Bands More Publicity

Understood that the three major networks, starting almost immediately, will begin giving its sustaining bands a greater publicity buildup, supplanting the impersonalized announcements as heretofore.

Idea is that the leader, especially amidst the present ASCAP-broadcasters situation, warrants greater consideration, and the splicing will put a little extra emphasis on the blurring.

Spain Aims to Compete With H'wood For Latin American Film Market

Will Age Fast

Only angle of the conscription bill which is getting smiles in Hollywood and New York is the effect it will have on films' and legit's perennial juves. It is said that most of them will show a surprising degree of maturity, carrying them far beyond the 35-year age limit, when registration day comes around.

LADY MATADOR KILLS 27 BULLS FOR \$16,000

Mexico City, Sept. 24.

Concha Cintron, lady matador who has a dash of American in her, demonstrated with the close of her second season here that bull fighting is safe and sugary for the gals who can do this stuff. She performed 46 times, slew 27 bulls, copped \$16,000 and didn't even get a rip in her lace petticoat.

Concha holds the world's femme bull fighting record for heavy coin and for not getting hurt.

PAR'S 'WORLD AFLAME,' THE WAR UP TO DATE

Preparing a newsreel compilation on the war for release at an early date, made up of material gathered by its staff throughout the world, Paramount is debating whether to add to it any fresh data of importance should it occur when or shortly after the film is ready for playing time. Likely that should the war take a serious turn shortly, this would be added on.

Par will call the picture 'The World Aflame' and in its present form the length is five reels, which makes its running time close to 50 minutes.

General release date remains unset, but probable that it will be early in October. Film will be sold separately rather than delivered under the contract.

From Pro to Am

Cyril Smith, single who spins Cockney stories, will head a Major Bowes unit which opens at Shea's Buffalo, Buffalo, next week. 'Unit will go to the Coast, Smith doing his act and also m.cing. Comic was formerly with the Rudy Vallee band.

By JOSEPH D. RAVOTTO

Madrid, Sept. 10. With Germany and Italy employing their total resources to the subjugation of Great Britain, and France concentrating her remaining forces on her moral and material rehabilitation, Spain sees destiny itself stepping in to make it one of the world's important film producers.

The new Spain of Francisco Franco feels that it has an extraordinarily great opportunity of getting in a bit of fancy footwork of its own while the other variously dimensioned film giants are busily blitzkriegering each other. This country would like a chunk of the film sun for itself and feels that there is no time like the present to put in a few telling body blows.

Men in the industry here see a huge domestic and foreign market for their product. Spain itself can absorb between 400 and 500 pix per year for its population of 23,000,000. Up to recently, the greatest percentage of films for domestic consumption

(Continued on page 62)

Brit. Showfolk Orphans Not On Torpedoed Ship; 57 Now En Route to N.Y.

The torpedoing of the S. S. City of Benares, which took the lives of 83 British refugee children and 210 adults, came as a shock to the Broadway-Hollywood theatrical colony, which feared for the lives, specifically, of 57 orphans of British theatrical folk, now en route to the U. S. British-American fund, raised chiefly in Hollywood, with Sir Cedric Hardwicke and Noel Coward as principal sponsors, has the 57 children on the water.

Both the Benares and the unnamed vessel carrying the theatrical offspring from England were conveyed simultaneously, and understanding for a time was that some of the 57 had been split up between the S. S. City of Benares and the other boat. It has since been verified that none was on the Benares.

Prominent American and English actor folk on both Coasts are committed to adopting these children, but it now appears that they will not go to Hollywood but be taken care of in the east, upon arrival.

Trotsky as Film Hero?

Leon Trotsky, famed revolutionary murdered in Mexico last month, may become a film hero. Two companies are mulling a picture based on his life.

Warner Bros. since last January has been toying with an original script tagged 'Life of Trotsky,' while Columbia immediately after Trotsky's death is understood to have registered the title, 'Life and Death of Leon Trotsky.'

Olsen and Johnson's Wacky Party For 2d Anniversary of 'Hellzapoppin'

By JACK PUASAKI

The most extended and screwiest theatre party in Broadway memory was staged at the Winter Garden, N. Y., after Thursday (19) night's performance, in celebration of the second anniversary of 'Hellzapoppin' in New York. Revue passed the second year mark Monday (23), but the shindig was moved forward to take advantage of a convention of mayors which had skedded a 'Hellzapoppin' party for Thursday night. Mayors LaGuardia of New York and Rossi of San Francisco went on the air and plugged 'Hellzapoppin' but that was just a part of the proceedings.

Olsen and Johnson had sent out messages starting with 'Can O. & J. take it?' For years they have been sending curious articles and animals to people, including those in the audience. So they stated: 'You are invited to mail or express any gag, big or small—now it's your turn.'

There was an avalanche of responses. Listed were 102 articles, not counting 12 large electric refrigerators. (Continued on page 62)

Jessel Meets New Type Candid Camera Bugs— They Want Encores

Indianapolis, Sept. 24.

George Jessel and his Hollywood troupe of femme players are experiencing a new type of candid camera pest, at the local Lyric, where they're appearing, many staying over two or three times and requesting the film femmes to 'please turn this way.' The girls who change costumes two and three times a day don't help the turnover, because the new sets of gowns seem to call for an encore from the lensing pests.

There are a few who even come back and crack, 'Yesterday's sets of pictures didn't turn out so good, so please come down to the footlights more,' etc.

Jessel, who goes to Philadelphia next week where he reopens the Earle to vaudeville, states he has purchased the remake film and play rights to 'The Baker's Wife' and would like Samson Raphaelson to first dramatize it for Broadway.

STEVE LYNCH'S R.R. RE-ROUTING PLANS

S. A. Lynch, who recently bought the Florida East Coast railroad through J. P. Morgan & Co., is planning to run a train all the way through from Chicago to Miami, starting Nov. 1. It will be the first time that Florida East Coast cars will have operated out of Florida. Details are now being laid.

In designing equipment for modern streamlining in trains, Lynch obtained the services of Charlie Burton who heads the construction-maintenance department of Paramount at the h. o. and himself has designed numerous theatres for the company.

Carol Bruce With Bernie

Carol Bruce, songstress currently in the Broadway musical, 'Louisiana Purchase,' is set for the Ben Bernie show sponsored by Emerson Drug Co. for Bromo-Seltzer. Program starts Oct. 1 on the NBC Blue 8-630 p.m.

Ruthrauff & Ryan is the agency.

James Roosevelt Discusses Music for Coin Machines

James Roosevelt while in New York the past week discussed with publishers the licensing phase of his film-making operations for coin-operated machines. He and other producers of this type of soundtrack film have yet to negotiate with copyright owners the terms of such a licensing contract.

While much film for visio-sound machines has been turned out, not a single mechanism of this classification has been placed on location.

Art, All Right

Reporter Interviewing Ann Corio after her strawhat legit debut this summer burned her by sneering: 'Well, the hula dancer in 'White Cargo'—do you think that is art?'

'Art?', screamed the peeler, 'I should say soooo! I've been to the bank twice already to draw money to eat on.'

JAPS FIGHT WESTERN JAZZ

Tokyo, Sept. 1.

The Japanese public has been told of an official decree that all dance halls throughout Japan shall be closed from Oct. 1 on and that the manufacture and sale of all western, i.e. American and European, jazz and swing music records shall also be banned from the same date. Some few ardent nationalists applauded move, but most are against. 'Why doesn't the Government improve jazz, if it is bad?' is the cry raised by many devotees of occidental music.

Pleased by the new decree, however, is the New Japan Music Society, whose staff is now urging the Government to impose compulsory courses in 'shaku-hatchi' (Jap bamboo flute) tooting for men and 'samisen' and 'koto' (Jap string instruments) for women in all music schools in Japan.

SCULLY'S PALS PLAN VOTE-OF-CONFIDENCE

Derby, Conn., Sept. 24.

Friends of Frank Scully, writer and quondam politician, who is now under indictment as part of a political plot for alleged shortage of \$2,000 in Los Angeles, are planning a vote-of-confidence testimonial to the ex-European-runaround. Scully has been writing in Hollywood and was appointed to a political post until he clashed with the machine in California.

With his family he is hibernating at attorney Fanny Holtzmann's Connecticut farm, but is due to return to Hollywood the end of this week. Meantime, he is writing a play and also has another book commitment to Simons & Schuster.

Barrymore Offers Pix Cut to Duck 'Children'

Decision on whether John Barrymore will tour this fall in 'My Dear Children' is expected before the end of this week. It's up to the federal district court in Los Angeles, to which Barrymore is responsible for all actions involving finances, as he is in bankruptcy.

Barrymore prefers pictures to touring in the legit and has offered Alouach & Myers, the producers, to whom he is under contract for this season, a settlement. It consists of a percentage of his proceeds from his next three pictures. A. & M. have agreed and if the court gives the nod the deal will be on.

The New Tom Mix

When the Tom Mix Ralston Straight Shooters program returns to the NBC blue Monday (30) for its eighth consecutive season it will be with a slightly changed formula. The series this time will deal with Tom Mix's struggle to establish a western settlement for needy and deserving families, land which, as the scripts will point out, can also be made productive to help feed the starving countries of war-torn Europe.

Charles Treadwell, who wrote 'Wilderness Road,' will again do the Mix series.

MARY ASTOR MULLS B'WAY STAGE REVIVAL

Mary Astor may do a Broadway stage appearance this season in a revival, probably 'Dodsborough,' in the picture version of which she played a principal part. In New York last week for a guest date in the 'Brigham Young' adaptation on the Kate Smith program, the actress said she had received an offer for the Broadway revival, but refused to disclose the management, explaining the idea was still nebulous.

Actress also said she is considering an offer from Ruth Chatterton for the two of them to co-star in a show to tour the strawhat circuit next summer, but added that was also merely tentative. She declared she wouldn't want to gamble on a new show on Broadway, but said Miss Chatterton, a close personal friend, was anxious to do the co-starring idea if a suitable play could be found.

Miss Astor planes back to the Coast tomorrow (Thursday). She has no definite picture commitments, being a freelancer.

Big Chief Lanny Ross Tellum of Heap Good Wyo. Shooting—Ugh!

Chief Sky Voice was the apt label hung on Lanny Ross last week, the plains of Wyoming by a cluster of ceremonious Shoshone Indian tribesmen, the singer reported when he returned to LaGuardia Field, N. Y., on a heap big United Air Lines Mainliner. Ross carried a huge vari-colored feather headdress to prove it.

Long a trap and skeet-shooter, but never before a marksman with a rifle, Ross also brought home a pocketful of honors because he knocked over an antelope at 210 yards with his first shot. The bullet hit the fleet antelope in the heart and dropped him instantly, said Ross.

'I didn't know how lucky I was until I saw Governor McN. Smith,' (Continued on page 61)

DINO BORGIOI IN ENGLISH ALIEN CAMP

London, Sept. 20.

Dino Borgioi, Italian lyric tenor, is in a concentration camp here. Borgioi is married to an English woman and was vacationing here when Italy declared war. The tenor was immediately seized and placed in custody.

Borgioi was well known in the U. S. for appearances at the Metropolitan (season 1934-35), the Chicago, Los Angeles, and San Francisco operas, and has been a favorite in the concert field for 15 years.

He recorded for Columbia and is the tenor in the 'Barber of Seville' and 'Rigoletto' sets, now in the Columbia catalogs, as well as having made a host of solos and duets.

Reich Judgment Against Reinhardt Echoes in L.A.

Los Angeles, Sept. 24.

Max Reinhardt is defendant in a \$12,268 suit for legal fees, instituted in Berlin and echoing over here. The echo was voiced by Albet Coyle, who fled action here in behalf of Martin Exiner, former Berlin attorney, now a refugee in Palestine.

Exiner, according to the complaint, was awarded a judgment of \$1,948 Reichsmark against Reinhardt for legal services by the Berlin superior court. Coyle declares he has an assignment for the claim from Exiner.

WHO, ME?

Hollywood, Sept. 24. James Stewart and Hedy LaMarr start work Oct. 1 on their Metro co-starrer, 'Come Live With Me.' Clarence Brown directs.

Daylite Time Ends

Daylight Savings, always a bugaboo for theatres during the summer, ends Saturday at mid-light (28).

It's been in effect since tag end of April.

THE BERLE-ING POINT

By Milton Berle

Worried whether or not my column is getting laughs—after all, my mother can't be at every newstand selling 'Variety'—Writing this backstage at Loew's State—five shows a day—all this, and column too—business so terrific that even the ushers are standing—working so hard that my mother's tired. Still have to write four minutes of talk for my landlord. Asked Dotty Kilgallen if she read my column. She said, 'Yes—you don't need a new profile—you need a new joke file.' I wonder what she means???

(Professional jealousy, no doubt.) Government says that entertainers will be exempt from conscription, which just goes to prove that if you work in an air-conditioned theatre you can escape the draft. Since Congress passed the conscription bill, Broadway Rose has gotten 26 proposals.

Broadway Dept.

Renee Carroll, Sardi's checkroom charmer, is picketing the Jolson show. Says title, 'Hold Onto Your Hats,' is murdering her business.

Went over to the Club 18. So crowded that when a busboy bent over, they threw a tablecloth over him and put four chairs around him.

Saw 'Separate Rooms' for third time. Business is so good they added a parlor and bath. (That's a great joke if you think about it—but let's not think about it.)

At the Gaiety theatre, Harold Minsky tells about a customer with an upside-down mind. Every day this fellow sits in the third row and yells, 'Don't take it off! Don't take it off!'

At the Stork Club Phil Regan says to me, 'With that new nose you look like Taylor.' Jimmy Ritz interrupts, 'Yeh—my tailor.'

At the Friars Club Jesse Block, of the legitimate, tells about three vaudevillians who decided to drown themselves in the Hudson river. They never did—none of them would open the show.

Muscle Dept.

Went to the 'formal opening' of the new Lew Brown-Ray Henderson firm. They served sandwiches—professional copies on rye. Dave Franklin refused to eat anything but a Dorsey arrangement.

Harry Puck says it's so hard to place new songs that he's selling vamps.

Radio Dept.

Yours truly on the air over Mutual next Sunday with Vincent Lopez and Buddy Clark. My gag man is writing me some terrific ad-libs.

A radio comic's son brought home his report card full of below-passing marks. The jokester started to yell and the kid said, 'After your last Crossley, dad, who are you to talk?'

Hollywoodiana

Tony Martin writes, 'They built a picture around me—never touched me once.'

F. D. Roosevelt, Jr., offered six grand for a week at a picture house—provided he did a Milton Berle and brought his mother.

Observation Dept.

Got the surprise of my life: walked into Lindy's and saw a woman without a silver fox.

Feel moody today—think I'll join a girl to forget the Foreign Legion.

Lady customer approached boxoffice of 'DuBarry.' 'Let me have an 83c orchestra seat,' she said. 'Sorry, lady, the only thing I have for 83c is in the balcony,' answered the boxoffice guy. 'I'll take it,' she replied, 'but tell that Bert Lahr to talk loud.'

Eavesdropped at 21: 'Now he's only appearing in two-reelers—which gives the audience less time to hate him.'

No truth to the report that they're building bombproof shelters for umpires at Ebbets Field.

Mrs. Guy Lombardo walked into the Chicago theatre with a dog on a leash. The doorman objected, so Guy said, 'Why can't she come in here with a dog—doesn't Balaban come in with Katz?'

Whatever Became of ???

Bloomberg's Alaskans. Powers' Elephants.
Pale, Haggard & Bent. Lovenberg Sisters and Neary.
Slept, Mehlinger & King. Link's Mules.

Afterpiece

If I get a commission in the Army—will I have to split it with the William Morris office?

L.A. to N.Y.

Cecelia Ager.
Kenny Baker.
Lilian Bond.
David Broekman.
Sol Dolgin.
Edwin Ellis.
Fred Engel.
Roscoe K. Fawcett.
Marie Greene.
P. R. Guth.
Walter Kane.
Sam Katzman.
Roland Kibbee.
Charles Laughton.
Tom Lewis.
Lee Marcus.
Jerry Mayer.
Louis B. Mayer.
William Martin.
Joe E. Marks.
John Meehan.
Jack McGowan.
Arthur Miller.
Karen Morley.
Arthur Morris.
Harry Norwood.
William D. Pabst.
Irving Parker.
Paul Small.
Robert Street.
Howard Strickling.
Loretta Young.
Andrew D. Weinberger.

N.Y. to L.A.

Annabella.
Mary Astor.
Jack Benny.
Irving Berlin.
Samuel Goldwyn.
Teddy Hart.
Dean Jagger.
Arlene Judge.
Tyrone Power.
Mr. and Mrs. Jimmy Ritz.
James Roosevelt.
Eddie Sherman.
Paul Stewart.
Jimmy Van Heusen.
William Wyler.

MAYER HEADS CHARITY UNIT FOR PIC INDIGENTS

Hollywood, Sept. 24.

Louis B. Mayer was elected chairman of a Community Chest Drive at a meeting of the Motion Pictures Permanent Charities Committee, originally formed to help the Red Cross but now a continuing unit to aid film people in distress. Samuel Goldwyn, head of the Red Cross drive, remains as chairman of the MPPCC. Community Chest activities begin Oct. 14.

At the meeting, in addition to Mayer and Goldwyn, were Y. Frank Freeman, Harry M. Warner, William Goetz, Carl G. Cooper, Fred Beeson, E. H. Goldstein, I. B. Kornblum, Abe Lastfogel, Led Mason, J. P. McDonough, Edward Arnold, Ralph Morgan, Kenneth Thomson, J. P. McGowan, Steve Newman, Robert Poole, Jules Stein, William McCausland, George Johnson, Sol Lesser and Reeves Espey, who represented various branches of the film business.

Pat Sclanders, Stunter, Killed Fighting Nazis

Pat Sclanders, 25, pilot officer in the Royal Air Force, with home at St. John, N. B., was killed over London recently in combating German air attacks. Starting at 15, and establishing a record as the youngest licensed commercial pilot, Sclanders did an air stunting act at eastern Canadian fairs, etc.

Survived by parents, of St. John; two brothers and one sister.

SAILINGS

Sept. 18 (Los Angeles to New York), Eleanor Powell, Florence Eldridge (Washington).

Sept. 18 (Los Angeles to Honolulu), Jan Fortune (Mariposa).

PLENTY WRONG WITH PIX'

Republicans Chary of Possible Antagonism Via Film Propaganda

Washington, Sept. 24. All small (screen) contributions gratefully accepted. But no solicitation will be made.

As a result of unfortunate public relations four years ago, the Republican national committee has decided against trying to chisel screen access to the voters, even while making use of cinema to put over its message in behalf of Wilkie. The GOP learned its lesson when, after paying commercial rates for trailer space, a good part of the public hissed and booed cinematic political propaganda.

Three films, one a two-reeler, have been made for campaign use, but none will be unwound in commercial houses unless the patriotism of the proprietor prompts him to request a chance to add these features to his bill. Basic purpose is to screen the pictures at rallies and club meetings, where a friendly crowd is almost guaranteed. Sound trucks which the Republicans plan to send on road tours also will carry portable screens and projection equipment, with (Continued on page 63)

WIMPERIS SURVIVOR OF TORPEDOED BOAT

London, Sept. 24. Arthur Wimperis, British screen writer and musical librettist, who was heading for Hollywood, was among the survivors last week of the torpedoing of the child refugee ship which carried at least 293 men, women and children to their death. Wimperis, who has done a number of scripts for Alexander Korda in England, was on his way to join Korda's staff in the U. S.

Scripter was one of the 113 survivors of 406 passengers and crew. Ship was heading for Canada when it was torpedoed. Wimperis wrote stories and dialog for 'Private Life of Henry VIII,' 'Catherine the Great,' 'Scarlet Pimpernel,' 'Brewster's Millions,' 'Knight Without Armor,' 'Drums,' 'Four Feathers,' and others.

Lasky, Duffy, Produce 'Quiet Please' In L. A.

Los Angeles, Sept. 24. 'Quiet Please,' stage comedy to be produced by Jesse L. Lasky and Henry Duffy, opens at the Biltmore theatre next month. It's Lasky's first legit try in decades.

Piece is authored by F. Hugh Herbert and Hans Kraly.

EDDIE SMALL'S 'SLACKER'

Registers Title as a When-and-If Film Possibility

Gazing into the future, Edward Small last week staked official claim to the title 'The Slacker.' Picture by that name was originally made by Metro in heat of the recruiting drive in the summer of 1917. Rep of Small declared the producer has no script nor anyone working on one, the whole thing still being in the idea stage. It may eventually, however, be an up-to-date remake of the original film if rights can be arranged, it was said.

What America may expect should efforts to draft sufficient men for the army prove difficult is well-delineated by VARIETY's review on Aug. 2, 1917, of the original 'Slacker,' starring Emily Stevens. Reviewer (Mark) declared: 'The picture has patriotic punch and there is every reason to believe... that it will give impetus to recruiting throughout the land. Now that drafting has become a reality and many young Americans are drawn but are sure to claim exemption, they won't feel so sure of the exemption plea after they have seen 'The Slacker.'

Christy Cabanne directed and Walter Miller played the slacker.

Hey, More Hay

Hollywood, Sept. 24. High cost of living has hit the four-footed actors in the film industry, resulting in a demand for increased wages to horses, cows, oxen and whatnot.

Studio Livestock and Equipment Association asked the producers to raise the ante on quadruped thespians as a result of upped fodder prices.

Labor's Film On Sam Gompers' Life Is a Bit Befogged

Misapprehension was said yesterday (Tuesday) by Sidney Weill, g.m. of American Pictures Corp., to have been responsible for the announcement last week that the American Federation of Labor would make a film tagged, 'The Life of Samuel Gompers.' Pic was announced by Weill's outfit last April as its first production. Weill said at that time, and repeated yesterday, that it will be made with the 'cooperation'—nothing more—of the AFL.

Statement that the AFL itself will produce the film was made by Charles E. Sinnigen, secretary-treasurer of the Central Union Label Council of Greater New York, at a meeting of the Central Trades and (Continued on page 63)

ABBOTT AND COSTELLO HAVE 2 MORE PIX BIDS

Eddie Sherman, personal manager of Abbott and Costello, flies to the Coast today (Wednesday) on two more film deals for the comics, currently working in 'Caribbean Holiday' for Universal.

U wants them for another film, with 20th-Fox also putting in a bid. Team is also on the air from the Coast under Bristol-Myers sponsorship.

8 Strawhat Recruits Set for 20th-Fox Tests

After looking at fresh talent in some 200 different strawhat stock companies during the past summer, Joseph Pincus, eastern talent chief for 20th-Fox, rates the possibilities for the screen as better than in recent seasons. He has selected eight from the more than 1,400 people for screen tests.

Basil Walker, already tested, is the only strawhat player rated as possible 20th-Fox star material to date. Stanley Clements, 10-year-old tenor, originally with a Major Bowes unit, is set for a forthcoming picture.

Paul Stewart's Quick

Film Stint on RKO Lot

Paul Stewart, director of 'Short, Short Story' three times weekly over CBS for Campbell's soup, planned Monday night (23) to the Coast to go into the Orson Welles picture, 'Citizen Kane,' for RKO. He's on a two-week leave and his stint starts Friday (27). Actor-director was production assistant to Welles on the 'Campbell's Playhouse' series Sunday nights last season.

Peg La Centra (Mrs. Stewart), legit and radio singer, goes into Spivy's roof, N. Y., Oct. 7 for a limited engagement.

SO SAYS EX-D. C. PICTURE CRITIC

Veteran Newspaperman Gives Washington Perspective on Film Industry's General Timidity and Lack of Self-Selling

'NO FRIENDS IN WASH.'

By Andrew R. Kelley (Ex-Washington, D. C., Post, Times and Times-Herald film critic; now with the Federal Home Loan Board).

Washington, Sept. 24. It is easy to sit in an overstuffed chair and second guess VAMPT, and its trade news judgment in appraising the RKO poll to come. Actually, though, my objection is reserved for other things. I just can't accept complacently this so-called informal sampling, as in any way authentic or authoritative, in fact—unless it is more accurate than the various political polls from the same source in 1936—it's extremely apt to be misleading.

Before you ask, 'Who is this fellow, and by what right does he criticize?' let me say, just a former motion picture editor of 12 years experience, and a lifetime close to the amusement industry. I am contentedly resigned to attaching 'ex' to a newspaper career, but with a heart still very much in show business, and its welfare.

If I gained anything from a dozen years as critic (on the Washington Post, Washington Times and Times-Herald) it is a fixed belief that the organized amusement industry, motion pictures in particular—has been woefully lax in protecting its own interests in this city of pressure groups and influences, and almost impotent in national promotion and public relations. It still operates as though Taft were in the White House and reactionaries held the key positions in the legislative branch of (Continued on page 20)

Phyllis Brooks, From Pix, In 'Panama Hattie'

Phyllis Brooks, recently in from the Coast, is the latest addition to the cast of 'Panama Hattie,' being produced by Buddy De Sylva. She took the part originally slated for Elaine Sheppard, also from Hollywood, but the latter remains in the show. Ethel Merman has the title role.

Miss Brooks has received a leave of absence from 20th-Fox for the 'Hattie' engagement.

Special Midtown Zoning For Big Ad Signboards

Proposal to fix special zoning regulations permitting large and spectacular advertising signs in the Times Square district of New York was approved this week by representatives of business and civic groups, department store interests, labor and the sign industry. Members of the City Planning Commission, at whose hearing Monday (23) the plan was discussed, also expressed sympathy.

It was estimated at the meeting that about \$500,000 in sign construction awaits decision on boundaries of Broadway zone. At present, it was asserted, permits for much of this work are being held up.

Went Boom, She Sues

Los Angeles, Sept. 24. Myra Nelson, film actress, filed suit for \$21,458 against Samuel Goldwyn and John Carter, cameraman.

On location with 'The Westerner' troupe last December, Miss Nelson charges, she was struck on the head with a sound boom.

After 25 Years H'wood Decides To Ask Joe Public What Pix He Wants

Whispering Chisel

A mild gyp by the ushers at the 'American Jubilee' show (N. Y. Fair) is the following spiel: 'This way for reserved seats (for a small tip)'; the latter sotto-voice, as the customers get closer to the uniformed attendants.

Mexico Is Less Communistic Now, So 'Ninotchka' OK

Mexico City, Sept. 24. Accepted here as one of the strongest proofs that Communistic influences within the Mexican government are markedly lessened at the moment is the action of okaying Metro's 'Ninotchka' for exhibition here. Garbo film which makes sport of the Moscow brand of Communism was banned for six months, allegedly due to the displeasure of the previously all-powerful Prof. Toledano, Mexican mouthpiece for the Kremlin.

Recent bad publicity for Mexico brought about by the Trotsky slaying quickened the decline of leftist sentiment. President Cardenas has been tapering off on the radical stuff and President-Elect Camacho has recently stressed that he's a good Catholic and no red.

EDWARD G. ROBINSON MAY DO B'WAY SHOW

Edward G. Robinson may join the list of legit actors repatriated from Hollywood by the Broadway stage this season. He is expected after seeing 'Hold On to Your Hats,' Shubert, N. Y., noting the enthusiasm of Monday's (23) audience over the performance of Al Jolson, who was absent from the boards for nearly 10 years.

Robinson's last appearance on Broadway was 'Kibitzer,' presented early in 1929. Robinson is a consistent visitor to New York between studio engagements.

Sylvia Sidney Back In Pix Via WB's 'Carnival'

Hollywood, Sept. 24. Sylvia Sidney returns to pictures under a term contract with Warners. First role is the femme lead opposite Humphrey Bogart in 'Carnival.' Production starts Thursday (26) with Ray Enright directing.

NO CHISEL

General Motors' Grecian Gift to Mickey Rooney

Washington, Sept. 24. Eyebrow-lifting high in unsuccessful chiseling marked this week's personal appearances of Mickey Rooney at a local downtown house. Request made to a general Motors representative for the use (gratis) of an open touring car for the parade to greet the youthful Hollywood star turned out to have a catch in it.

When propositioned, the GM man was glad to accommodate, asking for a photo of Mickey in the streamlined gas buggy for one of the manufacturer's house magazines. Day before the event, word was received that pictures of Mickey could not be used for commercial purposes.

No tickie, no washee, the GM representative said.

Hollywood, Sept. 24. Film producers, after 25 years of catering to Old Joe Public's taste in entertainment, have discovered that they don't know what Joe wants. Hollywood has finally grasped the first lesson of education. It has learned how little it knows about the show business and is sending out emissaries to find out what makes the boxoffice tick.

Professional pulse-feelers are prowling the country, not only in the big towns but in the sticks, to register the great American heart-beat, which means bread and butter, swimming pools, polo ponies and yachts in the film colony.

The first symptom of Hollywood's doubt in its own judgment was registered when Samuel Goldwyn suggested that 'Doc' Gallup take the national temperature on the double-feature ailment: Doc took over the job as part of the American Institute of Public Opinion program, supported by a flock of newspapers, in (Continued on page 61)

RODGERS, HART DOING PIC BY REMOTE CONTROL

Richard Rodgers and Larry Hart are currently occupied composing the scores of a musical comedy and a feature film to be made by RKO. The show is 'My Pal Joey,' to be produced by George Abbott. Picture has a working title of 'They Met in Argentina,' which is shortly due before the cameras in Hollywood, but the tunesmiths will not go to the Coast. Lou Brock, who will produce the film, has been consulting with the composers in the east.

The R. and H. duo say they don't like Hollywood and that's why they don't intend doing there, picture money or not. They add that 'the idea of having the picture end come to them in New York, instead of them traipsing across country, is conducive to a very pleasant existence.'

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Mrs. Carroll, Head of Pennsy Censors, Scares Easy, Judging by 'Ramparts' Nix; Legal Test Suit by Time-RKO

Philadelphia, Sept. 24. Attorneys for March of Time and RKO-Radio Pictures, Inc., yesterday (Mon.) filed suit in Common Pleas Court seeking to force the State Board of Censors to lift the ban on 'Ramparts We Watch.' Today (Tues.) three judges of the common pleas bench will attend a special screening of the disputed film following which they are expected to set an early date for trial.

Last night it was announced that the National Council on Freedom from Censorship, an affiliate of the American Civil Liberties Union, would act as intervenor in the case on the side of the complainants. Quincey Howe, chairman of the council, declared suppression of the film infringed on the constitutional given right of freedom of the press.

'Ramparts' was banned last Wednesday (18), the day it opened simultaneously at the Senate, Harrisburg, and Park, Reading. Mrs. Edna Carroll, chairman of the censors board, ordered state troopers to seize the film at both theatres after Jay Emanuel, operator of both houses, refused to delete two reels taken from the Nazi propaganda film, 'Baptism of Fire.'

Robert Sidman, manager of the Harrisburg house, defied the troopers at the matinee performance, and showed the film with a locked projection room. When the police threatened to take the film by force Sidman closed down the house. At the Park, the coppers allowed the film to be shown, but obtained a stipulation from the manager admitting the violation. Next day both houses were shuttered with large signs telling the public the reason.

Mrs. Carroll's 'Fear' Mrs. Carroll said she voted the ban because of fear of the effects of the Nazi film on young Americans about to be inducted into the U. S. Army.

'If young men facing conscription see how Germany wages total war, it would intimidate them and might affect their military usefulness,' she said.

'I think it would be detrimental to the public interest to allow the film to be shown. It is most inflammatory.'

She said it was also 'objectionable' because it was made in Germany and was part of the 'fear propaganda' being disseminated by the Reich.

'It is also contrary to the morals and customs of this country,' she said.

Mrs. Carroll declared the action of the board was 'unlawful.'

Nazi Embassies Threats Louis de Rochemont, producer of March of Time, owner of 'Ramparts,' claimed Mrs. Carroll's action was the result of threats made two weeks ago by attaches of the German Embassy.

'Until this happened,' he explained, 'we hadn't heard anything else from (Continued on page 22)'

TOWNE-BAKER FINALE FOR RKO; DICKER UA

Hollywood, Sept. 24. 'How to Meet a Man,' currently in production, is the last picture to be made by Gene Towne and Graham Baker for RKO. Pair is negotiating with United Artists for the next release.

Since combining as a production twosome, Towne and Baker have made four pictures for RKO distribution. The other three were 'Swiss Family Robinson,' 'Tom Brown's School Days' and 'Little Men.'

Powers' Vacash Plans

Tyrone Power, east last week for an appearance on the Kate Smith program, planned back to the Coast yesterday (Tuesday) with his wife, Annabella. After retakes on 'Mark of Zoro,' he will go on vacation until late November. Pair plan an auto trip, destination undisclosed. They spent the weekend with friends in Connecticut.

Annabella, who has been in ill health for some time, is improved, but has no immediate plans for resuming picture work.

Censoring Lincoln

Mrs. Carroll threatened but did not take action against 'Abraham Lincoln in Illinois,' also an RKO release, it is now learned on side. She is declared to have wanted to delete some portions of Lincoln's speech in the picture, but it was followed to the letter. She apparently was wised up on how inconsistent this would have been, thus dropped her demands.

RKO exec sources believe the Pennsylvania action on the Nazi propaganda in 'Ramparts,' given wide publicity, will help it more throughout the country than it will be hurt in Pennsylvania. Press services gave the 'story wide circulation.'

DUCE'S REP LOSES 30G SUIT AGAINST ROACH

Hollywood, Sept. 24. Hal Roach's one-time ambition to produce Italian films wound up in a Superior Court decision in his favor in the \$30,000 suit filed against him by Dr. Renato Senise. The claim was denied by Judge Myron Westover.

Dr. Senise charged he was entitled to \$30,000 for his efforts to obtain the support of Benito Mussolini for a production company in Italy. Roach dropped the deal after Hollywood had handed a chill to Mussolini's, Vittorio, during his visit to the film colony.

Keenan, McGovern Top Par's Golf Tournament

Holding its annual golf tournament at the Adolph Zukor estate near New City, N. Y., with Zukor among those attending, a total of 72 turned out for the Paramount club-breeding affair.

Lowest scores and with the players claimed to have been carefully policed on the counting, were turned in by Ray Keenan, 81; Jim McGovern, 82; Oscar Morgan, 86, and Ed Hartly, 88. Many of the rest ran so high accountants are still going over the figures. Among the prize-winners were Fred Mohrhardt, financial executive of Par.

Majority of those attending were from Paramount and included several eastern theatre partners, among them Nate Goldstein, Sam Pinsanski, Eugene Levy and Fred Schaefer. John McDermott and Joe Wood, of Par's financial forces, were in charge of this year's arrangements.

Van Heusen's Par Chore

Jimmy Van Heusen heads to the Coast today (Wed.) to start song-smithing 'Road to Zanzibar' for Paramount, with Johnny Burke. It's a sequel to 'Road to Singapore' with Bing Crosby, Bob Hope and Mary Martin, latter replacing Dorothy Lamour in the former setup.

'MEN OF BOYS TOWN'

Although it as yet has no script and hasn't even a writer at work on one, Metro is determined to follow up its 'Boys Town' by making a sequel.

Latest title evolved by the studio for the picture, if and when made, is 'Men of Boys Town.'

Negulesco Wins Spurs

Hollywood, Sept. 24. Jean Negulesco steps up as a full-fledged feature director at Warners when he winds up his current job as pilot of the short subject, 'Alice in Movieland.'

His first full-length chore will be in the Bryan Foy unit, assignment still undecided.

War Dept. Plans To Expand Films For Gen'l 'Morale'

Washington, Sept. 24.

Great emphasis on the value of motion pictures in maintaining Army morale is reflected in creation of a new division of the War Department to take over administration of the military establishment's motion picture service. Morale Division of the Adjutant General's Office has expanded operations and is laying plans for much greater use of screen entertainment when the draft begins swelling the enlisted forces.

Established only a few weeks, this outfit is operating with a force of five officers and 12 civilians. Principal job is arranging for theatre facilities at tent camps and cantonments where the reservists, National Guard and conscripts will congregate.

In tent camps to be set up in Southern states, open-air theatres are contemplated, while the more permanent cantonments will have two auditoriums that can be used for exhibition purposes. Funds totaling over \$200,000 have been passed out to corps area commanders to use for morale building of various kinds.

Presently there are about 100 theatres at military posts and the number will be increased. No details are available yet on the probable Army film consumption, but rentals are bound to go up as the size of the enlisted force virtually doubles.

Army, Chain's Tieup Working Both Ways

Greensboro, N. C., Sept. 24. With one of the army's slick new mobile recruiting units in front and Howard Hughes' seven-year-old thriller, 'Hell's Angels,' on the screen, 24 theatres of the Wilby-Kinney chain in the Carolinas are getting squads of recruits for Uncle Sam and scads of shekels for the boxoffice. The tieup was engineered by Norris Hadaway, manager of the National in Greensboro, with Col. Harry A. Wells, in charge of army recruiting in the Charlotte, N. C., area.

The first stand for three days at the National brought in 20 or more new soldiers and a sellout for the house for the entire three days. The outfit, with the recruiting truck and trailer transporting all the promotional material, then started a round of the 24 towns lasting well into November. 'Hell's Angels' is playing from one to three days in each town.

Costume Troubles

Denver, Sept. 24. Not knowing about the army regulation prohibiting any similarity in uniforms worn by 'public servants' to the U. S. Army uniform, manager Bernie Hynes was forced to discard some nice new regalia he had just bought. Selecting a pattern he likes he had 15 uniforms made up for users and doormen.

Shortly after the men started wearing them an army officer dropped around to see Hynes, bearing a letter from the adjutant general's office in Washington, requesting the uniforms be changed to remain within the law.

Add Irony: Chi Censors Ban Anti-Nazi Pix, But Pass Nazi Propaganda Film

End of Gallop

Hollywood, Sept. 24. Betty Burbridge, who wrote all those cowboy stories for Republic, has checked off the lot after four galloping years.

Her last job was the Gene Autry picture, 'Melody Ranch,' written in collaboration with Bradford Ropes, who also left the studio.

BERLIN, METRO WILL HUDDLE ON 'AMERICA'

Hollywood, Sept. 24.

When Irving Berlin comes down here from Frisco this week, he will undoubtedly huddle with Metro on the 'God Bless America' film which may have Mickey Rooney and Judy Garland in it. Proceeds from the film, which may run up to \$200,000—with Berlin to donate his services for \$1—will go to the Boy and Girl Scouts of America youth fund, to whom the songsmith donated all proceeds from the start. The song's income alone to date has reached \$60,000, chiefly via music sales.

Berlin flew to the Coast from New York for ASCAP Day at the Frisco Expo, which is today (Tuesday). Incidentally, Thursday (26) at N. Y. World's Fair was to have been Irving Berlin Day but cancelled in his absence on the Coast.

Uncover Old Suit Vs. Temple Starrer

A plagiarism action against 20th Century-Fox Film Corp., which was begun in the N. Y. supreme court on March 15, 1939, but has not been revealed to date, was disclosed Friday (20) when the film company sought to modify a demand for a bill of particulars filed by the plaintiffs, Izola Forrester Page and Mann Page, writers. They seek an injunction, accounting of profits and damages against the Shirley Temple starrer, 'The Poor Little Rich Girl,' claiming it is based on their story, 'Joyous.' In 1934 plaintiffs wrote 'The Girl on the Billboard' and then rewrote it under the title of 'Joyous' and submitted it to 20th-Fox for Shirley Temple. It was rejected, but the complaint is that the film which was released in 1936 is largely copied from their story. Company has entered a general denial.

WB's 61 Players

Hollywood, Sept. 24. Warners' new contract list shows 61 players, 41 writers and 15 directors. Studio has special deals with 25 others, not under regular contract.

I'll Be Seen' You

Hollywood, Sept. 24. Edward Sutherland, currently directing 'Caribbean Holiday' at Universal, draws 'Invisible Woman' as his next pilot job on that lot. Picture headlines John Barrymore, Virginia Bruce and John Howard.

Team Fonda, Stanwyck

Hollywood, Sept. 24. Henry Fonda and Barbara Stanwyck team up in the top roles for 'Lady Eve,' slated to roll Oct. 14 at Paramount.

Director is Preston Sturges, who wrote the script.

'SKEFFY' FOR IRENE DUNNE

Hollywood, Sept. 24. 'Mr. Skeffington' was picked as the Irene Dunne starrer under her one-picture deal with Warners. Director is Edmund Goulding.

'York' Gets His Orders

Hollywood, Sept. 24. 'Sergeant York,' the Gary Cooper starrer at Warners, is slated to roll Oct. 12. Cooper is planning a Canadian hunting trip before 'Sergeant' starts.

Chicago, Sept. 24.

Entire Chicago picture censorship setup is on fire following a municipal upheaval because of the original banning of 'Pastor Hall,' the anti-Nazi flicker, by the censor board. When the ban was announced, the civic leaders put up such a howl that the picture was screened again by the police department and orders were given for a permit to be issued.

Investigation of the censor board activities revealed that practically every anti-Nazi flicker brought into this country has been banned by the censors, while they gave a full permit to the frankly German propaganda picture, 'Blitzkrieg in Poland,' which is now running openly in the Little German theatre on the northside.

Alderman Earl B. Dickerson was the first to make a move to rearrange the censor board setup when he introduced an ordinance to the City Council to create a new five-man censor board which could decide only whether pictures were suitable for exhibition to persons under 21 years of age. They would have no right to ban or cut up a picture. Under the ordinance, the board could only make a picture 'for adults only,' but could not prohibit it entirely.

Ordinance has full recommendation of the Council's censorship committee, which was organized to consider a possible reorganization of the censor board line-up.

New ordinance takes full cognizance of the present provisions, which stamp as illegal all pictures which are deemed immoral or obscene. Of most importance is that the five-man board would be selected on admitted qualifications as to experience in education, psychology and child welfare.

Det. OK's 'Strange Cargo'

Detroit, Sept. 24. Slashed to meet the approval of police censors who last March banned it as immoral, 'Strange Cargo' finally has reached the screen here. The film was three times cut to win approval before it finally reached the Michigan theatre here Friday (20) for its first run. Meanwhile, the picture had played all around the Detroit vicinity—in Windsor, Ont., just across the river, and in nearby Pontiac and Flint. Winsor, in particular, cashed in heavily on the Detroit trade through the furore aroused by the police censorship.

The case of 'Primrose Path,' ruled out at the same time 'Strange Cargo' was nixed, seems hopeless. Local studio representatives are doing nothing to clear it here, since the police pointed out that cutting would not free it of the general 'bad taint.'

CARY GRANT HITCHED TO COL. FOR FOUR PIX

Hollywood, Sept. 24. Cary Grant closed a deal with Columbia to star in two pictures annually for two years. First is 'Penney Serenade,' with Irene Dunne as co-star and George Stevens directing. Next for Grant under the Columbia contract is 'Royal Mail,' with an early British background, and third is 'There They Go Again,' an American comedy with Rosalind Russell.

Louise Brooks In Wichita

Wichita, Kan., Sept. 24. Louise Brooks, former stage dancer and film actress, has returned to Wichita, her home town. She will open a dance studio with a local boy, Hal McCoy.

Keaton's Col Comedies

Hollywood, Sept. 24. Buster Keaton and Columbia got together on a new deal calling for three two-reel comedies. First, still untitled, is slated to roll Friday (26).

CHANGING SETS

Hollywood, Sept. 24. Julia Heron joined the Alexander Korda production outfit as set director after 12 years in the same capacity with Samuel Goldwyn. First assignment is 'Lady Hamilton.'

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FREE SHOWS SLOUGH BALTO

Consent Decree Will Be Ready When Court Reopens in N. Y. Oct. 7

Consent decrees ending the Government's anti-trust suit against five major film companies will be ready for presentation to Judge Henry W. Goodard, when he opens the fall term of the Federal court on Oct. 7. It is anticipated that the court will set an early date to hear any arguments on the form of the order and its numerous provisions, including rules for the national arbitration of disputes between film exchanges and exhibitors.

Government and industry attorneys believe that the court will approve the decree in the form which now is being perfected by the legal departments of the film companies. The provisions covering arbitration will become effective Jan. 1, 1941. The section regulating the selling of films, to be limited to groups of five pictures, each of which is to be shown to the trade before it may be sold, will become operative with the start of the 1941-42 selling season, late next spring.

Task of collating all the legal data necessary for a speedy termination of the suit has been handed to Robert E. Sher, special assistant to the attorney general, who has led the Government forces in the discussions which have ended in a settlement of the action. Although no official statement or comment on the proposals of the decree has been made by Thurman W. Arnold, in charge of the anti-trust division of the Department of Justice, the consensus of industry lawyers is that nothing stands in the way of a speedy windup of the action.

The arbitration provisions have been completed by a committee headed by Joseph H. Hazen, of Warner Bros.

More Anti-Pix Work

There remains much to be done by the Government legal forces before the anti-trust division is completely washed up with its motion picture litigation. The consent decree is binding on five of the eight original defendant companies. New anti-trust complaints will be drafted next month and served on Columbia, Universal and United Artists. These three companies did not join with the theatre-owning group in agreeing to a consent decree. The defendants that will be affected by the decree are: Loew's, Paramount, Warner Bros., 20th Century-Fox and RKO.

Much importance is being given to the suit against the three non-theatre distributing companies. In the decree to which the five majors have assented it is provided that the limitation of sales of feature pictures to groups of five shall maintain only until June 1, 1942, unless the Government is able to bring around Columbia, Universal and United Artists to a similar plan, either by agreement or court decision. Failure to do so will result. (Continued on page 17)

BILL PERLBERG JOINS 20TH AS A PRODUCER

Hollywood, Sept. 24. William Perlberg is leaving Columbia for an associate producer's berth at 20th Century-Fox. Formerly with the William Morris agency, Perlberg has been producing at Columbia since 1938, with five pictures to his credit.

He checks off the lot after completing 'This Thing Called Love.'

Blaustein vice Halliday As Par's Coast Story Ed

Hollywood, Sept. 24. Richard Halliday resigned as head of the story department at Paramount and was succeeded by Julius C. Blaustein, assistant story editor.

Before joining Paramount, Blaustein headed the story staff of Music Corp. of America.

An 'Angel' for Rogers

Hollywood, Sept. 24. 'Amateur Angel' Charles R. Rogers' next production at Columbia, following completion of his present job, 'A Girl's Best Friend is Wall Street.'

Rogers is figuring on William Holman and Rita Hayworth as top in 'Angel,' a comedy scripted by Michael Blankfort from an original by Tom Kilpatrick.

Other Film Cos. Brushed Off By Loew Price Tilt

Loew's, which decided last week to play 'Boom Town' on a single-feature policy at upped admissions in its metropolitan N.Y. houses, has adopted a percentage formula for the tilt in the entrance fee. Admish will be raised 25% at matinees, 35% evenings and flat nickel on all prices for kids.

Increase in the New York area was decided on, circuit exec declared, after experiments in a number of other territories showed comparatively few squawks from customers. Plan now is to extend the price increases to all territories.

Statement last week of Joe Bernhard, Warner Bros. circuit head, that raising prices on certain pictures was bad for the industry was greeted with 'sour grapes' at Metro. Bernhard declared that the variable admish policy was resented by the public 'because if you raise the price' (Continued on page 12)

GOLDWYN IN N. Y. ON 'FOXES' NEW COUNSEL

Samuel Goldwyn is in New York for a week following the premiere of his 'The Westerner' in Texas last Thursday (19). He is confabbing with Lillian Hellman, whose play, 'The Little Foxes,' will be filmed by him. Miss Hellman and William Wyler, who will direct it, were in constant huddles before Wyler went west last week. Pic can't go into work, however, until early next year because of Tallulah Bankhead's present play tour.

Wyler, meantime, has not gotten together with Warner on 'Sergeant York,' which assignment he found not to his liking and, instead, he will fill in with another picture. Wyler directed 'Westerner' (Gary Cooper) and latter was loaned, along with Walter Brennan, to WB for 'York,' on an exchange deal whereby Bette Davis comes to Goldwyn for the Bankhead role in 'Little Foxes.' Incidentally, the Warners are press cocktail-partying Miss Davis today (Wednesday), she having just arrived in New York on a holiday and also to powwow with Goldwyn and Miss Hellman on 'Foxes.'

Death of Max D. Steuer, Goldwyn's attorney in his long drawn out legal tussling with United Artists, necessitates new counsel. Goldwyn yesterday retained George Z. Medalie, former U. S. district attorney. Producer returns to the Coast Friday (27).

Bert Wheeler's Par Pic

Bert Wheeler, who has been making personal appearances in the east for some months, returns to the Coast shortly under contract with Paramount to appear in 'Las Vegas Nights.' Film will star Ellen Drew and among the featured people also is 'Nighty' Dovey. Due to start grinding Oct. 15.

FANS CALL HIPP MGR. FOR OAKLIES

Izzy Rappaport Faces Ironic Situation — He's Paying Glenn Miller While the Town Wants Tickets for Same Orchestra's Chesterfield Free Radio Performance

A BURNEROO

Baltimore, Sept. 24.

Izzy Rappaport, operator of the indie Hipp, Baltimore, one of the few consistent stage show houses left in the country, is doing a major burnup this week. He is in the curious position of having hundreds of people call him daily and asking how they can get tickets to see and hear Glenn Miller—for free. And they don't mean at Rappaport's own theatre, where Miller is currently getting a guarantee of \$8,500 for the week against a 50-50 split of the gross.

In fact, Rappaport is getting the impression that many Balto natives don't even know that Miller is playing his house. What appears to be general knowledge, however, is that Miller is doing three broadcasts (24-25-26) for his Chesterfield sponsor over CBS at the 3,500-seat Lyric—and that the tickets are being distributed free. The Lyric is more of a concert hall, operas and the Philadelphia Symphony playing there, but it has a screen to accommodate the Chesterfield 40-minute commercial film, 'Tobacco Land,' which is being given away with the Miller orch.

Those people who aren't calling Rappaport on the phone are writing him letters and postcards for tickets to the broadcasts. Almost all of 'em read alike: 'Please send me two complimentary tickets to see Glenn Miller.' It has been also brought forth forcibly to Rappaport's attention that nearly all the students of the Notre Dame Academy, a private girls' school, have received tickets to Miller at the Lyric, but none have bought to see Miller at the Hipp. One of the girls didn't get an oak leaf. Rappaport soon heard about it from her father, the managing editor of one of Baltimore's dailies. He asked Rappaport to please accept. (Continued on page 22)

Cohns Voted Back Their Old Columbia Salaries

Three-year employment contracts of president Harry Cohn, and Jack Cohn, vice-president, were approved as originally submitted for stockholder consideration by the annual meeting of Columbia Pictures common shareholders last Wednesday (18). These provide that Harry Cohn may receive his old salary of \$3,500 weekly and Jack Cohn \$2,500 weekly, out of the profit-sharing arrangement for 12% for Harry and 6% for the latter.

Corporation announced that these facts have been modified to include a provision whereby payments under the profit sharing arrangements will be made to these officers only if cash dividends are declared and paid to common stockholders. Thus, in order for these two officers to obtain the maximum amount under their sharing contracts, a cash divy disbursement of \$1 per share will have to be made to the common shareholders. Profit-sharing arrangement is predicated on the ability of the company to show considerable net profit. They are to be computed after payment of the preferred divy and in accordance with the common dividend proviso for the maximum amount.

Directors elected are Harry Cohn, A. Schneider, Jack Cohn, Charles Schwartz, L. M. Blackie, Dr. A. H. Giannini and N. B. Spingold.

Chesterfield Cigs' Free Shows Draw Many Who've Never Been in Theatres Before, But Who Wants 'Em?

Berke Parts With Rep.

Hollywood, Sept. 24. William Berke checked off the Republic lot where he has been associate producer for four years, handling production on westerns. His last picture at the valley studio was the Gene Autry musical, 'Ride, Tenderfoot, Ride.'

Hays Powwows Sales-Ad Execs On Pix Problems

Major changing conditions abroad, with the resultant effect on domestic situations, bringing modified problems for the film industry, Will Hays, head of the Motion Picture Producers & Distributors Assn., yesterday (Tuesday) told an adjourned meeting of MPPDA directors. His remarks took on added significance because advertising-publicity heads and sales chiefs of member companies also were called to the meeting.

'The task confronting us today,' he said, 'is to meet the changed situation in a manner that in no way will impair the quality of motion picture entertainment. No easy road lies ahead. There is no ready-made solution.'

These conditions call for thorough study and clear-headed thinking and action in charting and executing the future course. For this reason, we asked the general sales managers (Continued on page 20)

DISNEY AND GOLDWYN HOT ON 'MARK TWAIN'

Apparently by coincidence, Walt Disney and Samuel Goldwyn registered the title 'Mark Twain' with the Hays office within a few hours of each other last week. Disney got there first with his request and won priority. Both producers were non-committal on the reason for the sudden interest in the famed American author, now dead 29 years.

It's understood, however, that Disney has long been giving consideration to an idea of combining live action and cartooning in a feature around Twain and his humorous characters. Whether it is made may depend on success of 'The Reluctant Dragon,' featuring Robert Benchley, which is Disney's first effort at the mixed medium. It's to be released around Jan. 1.

Goldwyn's picture, if and when it is made, will be straight biography. Neither film seems a likelihood for the near future, as Disney has features in work to carry him up to 1945, and Goldwyn says he has no intention of resuming production until his battle with United Artists is resolved, at which time he will have at least three pix for shooting prior to 'Twain.' Goldwyn's idea is apparently to use Walter Brennan, whom he has under contract, in the picture. Brennan is said to bear a resemblance to Samuel L. Clemens, Twain's real name.

'CORRESPONDENT' SEQUEL

Hollywood, Sept. 24. Sequel to 'Foreign Correspondent' is planned by Walter Wanger. Deal is on for Alfred Hitchcock, who directed the picture, to repeat on the followup assignment after he completes a contracted pair at RKO. Sequel will have a U. S. and South America locale.

Neither Chesterfield ciggies nor anyone else will give further free film shows in the Brandt theatres, Harry Brandt, chief of the New York circuit, declared last week. There were too many headaches involved, he revealed.

No amount of coin an advertiser likely would pay, it was said, would make up for the physical damage to the theatres alone. Audience took advantage of Chesterfield's generosity to wreak havoc on upholstery, rugs, chairbacks, and men's and women's lavatories.

Newell-Emmett ad agency, which arranged the free shows, defended them several weeks ago with the assertion they would introduce to the theatres many people who had never before attended them and thus build up new audiences for the houses. Brandt managers now agree with the first part of the statement, but give a definite nix to the second.

True enough, they say, the free shows brought in many people who had never been in the houses before, but they were not the kind the theatres wanted and not the kind likely to come again anyway, so the cello films can't be considered an audience-building promotion.

Angle of the free shows that also embarrassed Brandt was the opposition to them by many members of the Independent Theatre Owners Association, of which he is prez. Organization recently adopted a resolution, introduced by Brandt himself, against any more of them.

Standard Oil Tried It. It will be recalled that Standard Oil of New Jersey tried similar sort of free show setup about five years ago but found the show business so hostile to the idea that it was abandoned in its original form. Instead, the Guy Lombardo band was routed through theatres as a regular unit and part of the program.

Whole industry discussion in the past 10 days has revolved about the question of whether or not such free shows constitute ultimate boxoffice poison for the very theatres now using them. Bulk of expressions were that this one experiment would harm chiefly as a matter of establishing a precedent—that once advertisers get their nose under the tent, other industrial firms will flock to the feed-box with their ad campaigns.

Industry as a whole never has picked on industrial ad pictures when made for non-theatrical purposes and often where they do not interfere with the usual program setups. But the present free show idea has veiled. (Continued on page 17)

WOBBER OPTIMISTIC ON EARLY B.O. UPBEAT

Minneapolis, Sept. 24. Here for a sales meeting, Herman Wobber, 20th-Fox general sales manager, predicted prosperity ahead for exhibitors in this territory and throughout the U.S.

Reason for his optimism, he said, is the general business upturn sure to result from government defense spending and the improved product being turned out by Hollywood.

Andre Daven at 20th As Aide to Zanuck

Hollywood, Sept. 24. Andre Daven, who produced pictures in Paris and later joined Robert T. Kane's 20th-Fox production staff in London, checked in at the Westwood lot as an assistant to Darryl Zanuck.

To date he has no definite assignment.

Esquire, Mpls., Threatens Anti-Trust Suit; Mobile Indie's 'Monopoly' Beef

Minneapolis, Sept. 24.

Local major film distributors and the Minnesota Amus. Co. (Paramount) have received and ignored registered letters from L. B. Schwartz, counsel for Irving Gillman, owner of the Esquire theatre, loop first-run sure-seater, notifying them that unless major product is made available for the house anti-trust suits will be filed against them. The actions will be started this week, Schwartz asserts.

Inability to obtain first or subsequent runs of major film product has injured the rental value of his Esquire to the extent of \$10,000, Gillman charges. The 'Big Eight' have refused to service the house and Par has influenced their policy and attitude, he charges.

Bennie Berger, previous owner of the Esquire, encountered the same product difficulties and threatened anti-trust suits, but wound up selling the theatre to Gillman. The Benz Bros., who were unable to obtain major product when they operated the 4,000-seat Minnesota, abandoned proposed anti-trust and conspiracy court actions when they made a favorable deal whereby Minnesota Amus. took over their Palace in the lower loop here on a long-term lease at rental terms favorable to them.

Mobile, Ala., Sept. 24.

Seeking to enjoin the owners from the operation of their new theatre in the western residential section of the city, a suit was filed in the circuit court Wednesday (18) by the Azalea theatre, a competing show-house located about 100 yards away. The Azalea's suit, filed by C. B. King, C. H. King and T. O. Collins, charges that the new theatre is being conducted by Saenger Theatres Corp., as a monopoly, to force the Azalea out of the film business in the western section of the city. In addition to Saenger, Paramount-Richards, Inc., and Paramount Pictures, Inc., are named as respondents.

It is alleged in the suit that there is not sufficient business in the section for two film houses, and the charge is made that a 'trade war' is foreseen, with the situation inevitably resulting in the Azalea closing its doors because its management does not have the resources to compete at a loss with the corporations over a long period.

The suit declares that Paramount has stopped the sale of films to the Azalea, and the court is not only asked to enjoin the respondents from operation of the theatre, but to compel Paramount to sell films to the Azalea.

Col's Bill of Particulars

Buffalo, Sept. 24. Columbia Pictures Corp. was granted an order by Judge John Knight in federal court here directing the U. S. to furnish it with an itemized statement covering 24 alleged violations of the Sherman anti-trust law. Columbia is one of the distributors named as defendants with Schine Theatres, Inc., in the anti-trust suit brought by the Government in U. S. district court for the Western District of New York.

The order directs the U. S. to furnish Columbia (1) the names of the exhibitors deprived of the opportunity to purchase pictures under fair competitive conditions; (2) the exact identification of every spot where the U. S. alleges any of the Schine defendants monopolized first runs of pictures distributed by the distributor defendants; and (3) the names of every exhibitor alleged to have been forced out of the business or compelled to sell his theatre by reason of the defendants' alleged monopolistic practices.

HUBBARD RETURNS TO 20TH FOR WITHERS PIC

Hollywood, Sept. 24.

Lucien Hubbard will produce another Jane Withers feature when he returns to the 20th-Fox lot next January after a leave of absence. Picture is 'Happy Days in Dixie', his own idea, as a sequel to 'Youth Will Be Served'.

It follows moppet's current assignment, 'A Very Young Lady', based on 'Maturo', play by Ladislav Fodor, who is doing the screenplay.

BUCK GIVES HAPPY A LOAD OF SCENARIO

By BILL HALLIGAN

Hollywood, Sept. 24.

Mr. Happy Hemmingway,

Palace Beach, New York.

Dear Hal:

I have not written you dew to the fact I have been working in a hoarse opera at Big Pine for Hop. Along Harry Sherman and believe you me I am good and sorta at same as the assistant asked if I rode a horse and I says sure I rode a horse but I did not tell him when as I has not been astride a beast since the day I fell off a burro in a tintype gallery in Coney Island.

I has had weeks at good money and am back in the where instead of the when (Where do we eat? Instead of when) I was in Dave Chasen's Bank last night eating muted duck and a biggie from No-art Studios says to me why don't you write a crazy comedy for us as the world is full of tragedies enough without seeing Bette Davis suffer any more... the fellow is head of writers as they borrowed him from Grossingers where he was entertainment director. He is a big shot as he lives in the YMCA and has a station wagon with Rancho Costa Plente painted on same.

Well Hal I sits down at the portable and I knocks out a classic from a couple of old Billy Wells' scripts but the continuity gives me more trouble than Mike Jacobs eating corn on the cob. We has been trying to borrow a star to play the lead, but no dice, as he is impossible as he had his face and his option both lifted last week and when I try to get him on the phone all I gets is his Burma House boy Brezee Meelah. Besides, the industry is playing the chill for him not being in the war as he has been going around with a English dialect for years but is no more English than I is. This fellow took his name off a A. and P. shelf and calls himself House Maxwell. He claims he is a thoroughbred because he came out here years ago with a car load of horses from Belmont Park. I suggested to the boss that I could play the part but has had no reaction to same subtle suggestion.

The scene is in the Brooklyn navy yard, a typical Noel Coward setting. Our hero is a ordinary seaman who never was a bored ship but takes up passes at the Navy Yard gate as he was once on the gallery door at the Colonial. He meets the Admirals daughter when she tries to crash the Navy Yard gate without a pass. (That's where we get him in his first beef.) Swann (that's her first name)—loathes him and asks her father to give him the grand heave ho. Here we have Conflict which is the secret of writing a flicker. Swann is going with a ensign who is a German spy by the name of Vincent Gates, which initial is V. Gates... this is our first belly laugh... then comes a big scene to give it production as you hast to spend money on a classic or its a B. The scene is a dance at the Navy Yard with hundreds of ordinary seamen (\$5.50) and a few boatswains and coxswains (\$7.50) and as same is a master production we cant use B girls so we get dress extras (\$11). Swann is the bell of the ball but breaks down from too much Rhumba, 'great Gobs shook her frame and she loses her slipper which has the plans of a sub hidden in same and when the spy asks for them she screams 'Good Heavens MAN... the pumps. at this point the common seaman grabs the spy when the girl says 'AND WHO ARE YOU?' Our hero throws back his lapel and shows his badge as he exclaims... PIMLICO, U. S. A.... They was a play a long time ago called Hawthorn U. S. A. that is nothing like mine despite the similarity to persons living or dead.

They is polishing the script now so you better stay there till I tip you off to come out here as I am getting along swell... Enclosed find \$2.50 of the \$5. I owe you. Buck.

'Aloma' for Lamour

Hollywood, Sept. 24.

'Aloma of the South Sea,' once a Gilda Gray starrer, is being revived by Paramount for Dorothy Lamour. Jack Moss is assigned as producer and Stuart Heisler will direct.

Studio Contracts

Hollywood, Sept. 24.

Anthony Quinn inked a player pact with Paramount signed Esther Fernandez, Mexican actress.

Warners picked up Arthur Kennedy's actor option.

Seymour Felix drew a director ticket at 20th-Fox.

Mildred Coles' player option lifted at Warners.

20th-Fox renewed Sheila Ryan's acting ticket.

Columbia hoisted Don Beddoe's option.

20th-Fox handed Elena Verdugo an acting contract.

Twentieth-Fox renewed Lynn Bari's ticket for one year.

TRYING TO HYPO NEELY VOTE AGAIN

Washington, Sept. 24.

Frantic letter-writing drive has been launched in what looks like a futile move to crank up the House Interstate Commerce Committee and get a vote this year on the Neely bill. No action is anticipated before adjournment, which Democratic chieftains now hope will occur by the middle of next week.

Barrage of pleas from the blue-rose supporters of the perennial reform measure have had little effect. Since the outraged crusaders launched the attack, no member of the subcommittee technically in charge of the panacea has tried to induce Chairman Clarence F. Lea to call a meeting to thrash out the question of reporting it to the full group. Lea, as has been the case ever since the measure came over from the senate more than a year ago, is too concerned about what he deems far more urgent matters to make trouble for himself or his colleagues. The Californian feels the committee has several matters of much greater interest that should be brought up before adjournment, while associates fear that if such a measure is brought out it will be difficult to resist pressure from other minority groups clamoring for attention.

Feeling of a good many house committeemen is that negotiations toward revision of trade practices via a consent decree in the Justice Department suit make it unnecessary for Congress to act. If a new distribution system can be worked out by voluntary agreement and tested under supervision of the Federal court, they think it would be extremely unwise to take the almost unprecedented step of trying to write a fair trade practice statute for a single industry, at least until it is proved that any major vices cannot be eradicated otherwise. The wailing of exhibitor groups displeased with the proposed consent decree has not overcome this argument, especially as a good many of the lawmakers believe these factions never will be contented and Congress should not undertake to appease every disgruntled element in any particular line of trade.

LAWRENCE'S BUFFER JOB AS AIDE TO FREEMAN

Hollywood, Sept. 24.

Jock Lawrence, formerly Samuel Goldwyn publicity chief, becomes a liaison officer between producers and flacks as assistant to Y. Frank Freeman, president of the Association of Motion Picture Producers.

Taking over many of the functions performed by Tom Pettie before his resignation, Lawrence will work with the studio publicists committee, consisting of Harry Brand, Allen LeRoy Johnston, John Joseph, Cliff Lewis Perry Lieber, Lou Smith, Howard Strickling, Bob Taplinger and Frank Seitzer.

ROSEN KEYS LUKE

Hollywood, Sept. 24.

Phil Rosen gets the director chore on 'Phantom of Chinatown', first of the four Keys Luke stars to be produced by Paul Malvern for Monogram distribution. Malvern is hunting an Oriental actress to play opposite Luke.

Of People and Places

By The Skirt

The best dressed woman of the week:

MRS. FRANKLIN D. ROOSEVELT

Comeback? Jolson Never Left

Al Jolson was heard saying, 'Isn't it all wonderful. What do you think of my comeback?' It was no comeback, Al was never away. He may have had a few bad pictures and a few bad evenings on the radio but the real Al was still there anyhow. There have been so many raves about Al, we'll let it go at that. Al is back on Broadway, God love him.

'Hold on to Your Hats' (at the Shubert) is made to order for these times. Full of belly laughs, rare these days. You'd like to see the show but can't get tickets. Everybody's complaining. Sam Roth, the ticket merchant, in answering calls, doesn't say 'Hello'. He picks up the phone and says 'No tickets for Al Jolson or Louisiana Purchase'.

Martha Raye is an ideal foil for Jolson. And really pretty, in spite of a badly fitting bra. There is a bra maker here in New York who gives an optical illusion to Elsa Maxwell and Miss Raye should get in touch with her. The bra maker, not Maxwell.

Also good to have Russ Brown back with us again. What a pleasure to hear a man with his finesse. Jack Whiting makes a rather pale cowboy. A better makeup would help. And Bert Gordon, no use saying anything about him excepting a laugh every time he appears. Margaret Irving has a small part, too small. A great performer, Miss Irving has allowed herself to get a mite on the stout side.

Dressing this show couldn't have been a problem. It looked as if Jolson had given Brooks the word to go ahead and don't spare the fabrics. Expensive and good looking to the last seam. Raye appears first as a cowgirl in a suede costume, pale blue in color trimmed in black. All of her clothes were lovely, one a purple crepe in which she does her most effective clowning. The dress had a bead trim long sleeves and a surprise sash of green with a center panel of red. May sound screwy but it was good looking. Margaret Irving as the owner of a dude ranch wore the simple tailored house dresses, belt and all.

Chorus wears plenty of clothes. No fake stuff here. When it called for satin it was satin, and velvet and laces. A Mexican number had those girls in eye-filling costumes of blue, silver, red with white lace fan-like headresses. Another set of costumes worn by these good looking girls were black and white cut outs, then still another of chartruese and blue taffeta. A pleasure to see a show where there was none of the recent cheating as to material. Did the Shuberts have anything to do with these costumes? If they did, they must have changed their tactics.

Mrs. F. D. R. in Wine Velvet

'Pastor Hall' at the Globe theatre is another of those German atrocity stories. If the picture had been made in this country instead of England, perhaps it might have had a chance. The little Nova Pilbeam girl has grown up.

Clothes, of course, didn't matter in this picture. But clothes in the lobby did matter. Mrs. Franklin Roosevelt appeared in a stunning wine velvet dinner gown. A rather warm night, Mrs. Roosevelt was wrappless. She never looked so charming.

Nicole de Paris Carries on

Nicole de Paris had her showing last Tuesday. Vincent Connolly did the announcing and a swell job. The girls modeling the clothes were particularly yum-yum, especially one who is picture material, and one who might be Hedda Hopper's junior double. Viola Shefer arranged the show and looked like a model herself. Before the press girls arrived Nicky put on a show by herself trying on hats. Madame Fontaine, the designer of the clothes, has also used common sense with taste. The clothes are so wearable, nothing exotic. Paul Flato designed the jewels and they made the gals' mouths water.

The names of the costumes were clever, such as Trotteur, Camomille, Iridium, Pelicun, 40 in all.

The high light of Nicole's showing was the fringe of faces on the balcony. All French girls, they showed the strain upon them, every one with a family in France, some not knowing where they are. (Nicky's mother, a woman of 94, was put out of her farm in Flanders and is now living in an attic at Lourdes.) Champagne and sandwiches were passed later and a good time was had by all.

Munching and Signing Up At Sardi's

Lunching at Sardi's is more dynamic with the theatrical season coming into stride. Last Friday there were Mary Astor, Virginia Smith, Mrs. Harry Weiss, Estelle Brody, Dean Jagger, Richard Whort, Zorina, Jess Royce Landis, Lew Brown, Richard Pitman, Janet Fox, Alan Dinehart, Barney Kiavans, Bobby Crawford, Phil Baker, Sam Lyons, Gloria Stuart, Arline Judge, Nancy Carol and Sylvia Hahlo.... What a good time Renee Carol, hat check girl at Sardi's, is having passing out Roosevelt buttons. Every one who accepts a button has to sign an autograph album which Renee is sending to F. D. R.... Dinty Moore's took on the air of the old Metropole last Monday night. Benny Fields, Blossom Seely, Al Jolson and Al. Jr., Louis Epstein, Inez Courtney, Clem McCarthy, Buddy De Sylva, Bessie Crawford, Wilma Egan, Lou Clayton with frau, Nick Keaney, Jimmy Ritz and his beautiful wife, Hank Gowdy, Milton Ager with Laurel and Shaena (Celia was out P.M.) and Dave Marks.

The Fred Stones' Radio Audition

Atop the Amsterdam Roof in the Playhouse of WOR the Fred Stone family on Sunday night gave a private audition of a sketch for radio called, 'The Stone Family Boarding House.' Here is something radio has been waiting for. Names, sentiment, three lovely daughters, Carol, Paula and Dorothy. And two sons-in-law, Charlie Collins and Duke Daly.

The sketch, 30 minutes and seemed promising material for a continuous story with novel angles.

Afterwards Fred Stone made one of his amusing curtain speeches. Then the family in turn put on a show that would have knocked the Palace for a goal.

Mrs. Stone didn't take part in these highjinks but she is a natural for radio. Also in a black lace gown with a girlish figure she didn't have to take a back seat with her three daughters. Dorothy was in a purple chiffon over a green foundation. Paula, a little redhead was in white crepe, long sleeves and no trimming. Paula possesses a lovely soprano voice and Carol is the jitterbug and showed plenty of talent in her dress was the all over embroidery made over a black taffeta foundation.

Harold M. Sherman is writing the material.

Three Strong Women Toss Lovely Boy

Vaudeville isn't dead, not so long as there is Loew's State and Milton Berle. Milton has shed some of his nose, now he must shed some weight; also that grey suit. He would look much slimmer in any other color. Also shed Mrs. Chawls. Says are over. Even if Ma looked nice in a black dress draped to one side; handsome diamond brooch, mink jacket and turned up black hat.

The Kitchen Pirates, three men and a girl, is one of those girl-throwing acts. Men might have been from the strong arm squad, throwing around an 80-pound girl. The Skirt hopes to live long enough to see three strong women throw around one lovely little fellow. The girl wore the conventional jersey tunic with blouse.

Ginger Harmon, a little miss with big voice, was in white, with apron front of striped silk. The colors were introduced into the bodice in braisere fashion. Slippers white and no stockings.

Four Step Brothers must be the Joy of Harlem.... Their suits were one-button cutaways in brown, with tan trousers, brown top hats and shoes with white spats. Milton should inquire those boys' tailor.

WAR RAIDING PIC CRAFTS

5 Years Each to Nick and Weston In St. Louis, Plus \$10,000 Fines

St. Louis, Sept. 24. John P. Nick and Clyde A. Weston, ousted heads of IATSE, Local No. 143, found guilty Wednesday (18) on 11 charges of violating the Federal racketeering statutes and not guilty of one charge of violating the Sherman Act, were sentenced Monday morning (23) to five years' imprisonment in Federal jug, and each fined \$10,000 by U. S. District Judge John Caskie Collet last night. Judge Collet sentenced them to five years on each of the 11 counts, the sentences to run concurrently and the fine was on the first count.

Oral notice of an appeal to the U. S. Circuit Court of Appeals of the 8th Judicial District was made and the bench fixed \$20,000 when his attorney said it would be impossible for him to provide higher bail. Friends furnished the required bonds. In passing sentence Judge Collet said that there appeared to be no question of the guilt of the defendants, but he would permit them liberty on bonds because the law provides for bail where there are reasonable grounds for appeal. The legal phases involved here give such reasonable grounds, the court said.

Previously, Sigmund Bass, counsel for Nick, asked the court to temper justice with mercy because Nick suffers from chronic arthritis and was bedridden during much of the time the Federal agents were investigating the case. Bryan Purteet, Weston's counsel, said Weston is a broken man, past 45 years of age and the father of two children. Purteet also informed the court that during the trial it was necessary to administer a heart stimulant to Weston (to keep him on his feet).

The judge tossed a ploy to Asst. Attorney General Roscoe T. Steffen, who conducted the prosecution, by stating that while both sides had well presented the evidence, the Government's presentation was a credit to Steffen. 'We are sorry to see Mr. Steffen leave and hope he will return to this work,' Judge Collet remarked. (Steffen returned today (Tuesday) to his law professorship at Yale from which he took leave to conduct anti-trust investigations here).

Two-Year Fight
Conviction brings to a finale a fight for the removal of Nick and Weston from the local IATSE picture that started more than two years ago and was highlighted by Nick's acquittal in a State court of an extortion charge growing out of two alleged payoffs by local exhibitors for operators were being mulled. Both men face another extortion charge in the State courts. Federal trial lasted almost two weeks, with nearly 100 exhibits, operators and others testifying for the Government, and Nick and Weston taking the stand in their own behalf. Judge Collet consumed two hours in reading his instructions to the jury.

The first five counts on which the jury found Nick and Weston guilty charged them with conspiring to obtain \$5,500 from local exhibitors in 1937 to forestall a wage increase for the operators and with wrongful use of force in obtaining this money.

The next five counts related to the Co-Operative Sound Service Supply Co., which the Government charged was incorporated in the interests of the defendants, and which alone was allowed to make sound equipment repairs in projection booths of St. Louis theatres. Nick and Weston were accused of conspiracy in the sound service company and with wrongful use of force, too, in connection with the company.

The 11th count charged Nick and Weston obtained \$2,000 from Harry C. Arthur, Jr., general manager of Fanchon & Marco's interests here, in 1937, to allow FAM to reopen the Orpheum theatre. The 12th count, on which an acquittal was voted, was a violation of the Sherman anti-trust act in connection with hindering the importation of films.

A Dual Alibi

Milwaukee, Sept. 24. Double features do have their good points.

Henry Sokolowski, 24, arrested and haled into district court on a speeding charge, told Judge A. J. Hedding:

'I took my girl to the movies last night. Before we left the house her mother told me to be sure and be home by 1 o'clock. But the show was so long—double feature, you know—that I was afraid we would be late, so I did step on it a little.'

The judge was sympathetic and suspended sentence.

Chaplin Into 4 Brandt Houses Or N.Y. Capitol?

Leading contenders in United Artists' maneuvering for Broadway theatres to preem Charles Chaplin's 'The Great Dictator' appear to be the Capitol, in combination with another Loew house, possibly the Criterion, and four Brandt houses. Brandt's have added a fourth theatre to the three originally offered for simultaneous showing and say a deal looks so possible they have ceased booking other films.

Meantime, Walt Disney office announced yesterday (Tuesday) that 'Fantasia' would go into the Shuberts' Broadway theatre at 53d street about mid-November. Alexander Korda continues to ferret for a house for 'Thief of Bagdad.' Situation at the same time grew more complicated with revelation by Warner Bros. that it has optioned away its Hollywood (now the 51st Street) theatre for the entire season. Sol Hurok's Monte Carlo Ballet Russe moves in on Oct. 14 for three weeks, to be followed by another Hurok ballet Nov. 6 for minimum of three weeks with options for remainder of season. Center theatre, another occasional roadshow in the past, is occupied with Sonja Henie-Arthur Wirtz ice show.

Brandt deal envisages turning over the Central (1,000 seats), Globe (1,100), Rialto (600) and New Yorker (600) for simultaneous showing of Chaplin pic. Three of the houses would grind 24 hours a day at \$1.10 evenings and 55c other times. Fourth would be on reserved seat policy, with prices not yet decided on.

Contributing to the idea the Capitol may be the house into which Chaplin's going is the fact it has cancelled out 'Wyoming,' which was supposed to go in Thursday (26) and will open 'Strike Up the Band' on Saturday (28) instead. It was said at Loew's, however, this was merely to get pic in line with national release dates. Astor which was teamed with Cap on 'Wind,' is said to still be doing strong enough biz with it to run until the end of the year.

RKO's 'Passport' Stalled

Hollywood, Sept. 24.

'Passport to Life,' designed as a starer for Cary Grant at RKO, is getting another runaround and probably will wind up in a rewrite for another star.

Play was shifted back on the schedule to permit Grant to do 'Mr. and Mrs. Smith,' now in production. Now it gets a further setback to let him play 'Before the Fact,' under direction of Alfred Hitchcock.

MOVE TO NULLIFY DRIVE ON LABOR

Talk of Putting Technical Workers On Guaranteed Employment — Widening Inroads By Defense Industries Bring Stoppage Proposals

WRITER PEACE

Hollywood, Sept. 24.

Fearing a serious labor shortage if War Defense Industries continue to raid the film industry, several major studios are considering a proposal to put their technical experts on a guaranteed employment basis. This move was disclosed when Frank Carothers, labor producer contact, announced he had called the seriousness of the situation to the attention of Pat Casey and other company representatives. He stated there is already a serious shortage of expert plasterers, and that attractive offers of steady employment are being made to electricians, precision engineers, machinists, etc.

Carothers said the situation is similar to 'the start of the film industry, when most of the technical experts were secured from the telephone company. He has suggested that these experts be given a guaranteed term of employment to offset the one- two and even three-year contracts being offered them by the big industries working on Government defense contracts.

Threat of a strike of cartoon department employees at Metro has been averted by a new counter-proposal from E. J. Mannix, Metro general manager, during a conference with Herbert Sorrell, business representative of Moving Picture Painters Local 644. The Screen Cartoonists Guild had called a general membership meeting for tomorrow night (Wed.) to take a strike vote, but instead the new offer will be submitted to the membership for approval. The cartoonists have been given a 100% Guild shop and minimums are to range from \$20 weekly to \$85 for animators.

Early unionization of all white collar workers in the picture industry is seen with approval of 100% (Continued on page 18)

20-FOX BUYS THURBER BOOK

Twentieth-Fox has purchased James Thurber's book, 'My Life and Hard Times.' Series of nine illustrated stories appeared originally in the New Yorker mag in 1932 and was published in book form the following year. Thurber got \$10,000 cash for the screen rights and will receive another \$10,000 for the treatment, which he is slated to turn in, Dec. 16. He's supposed to go to the Coast on Jan. 1, according to present plans, for two weeks of work on the script.

Deal was made for 20th by Nunnally Johnson, who will produce. Thurber is now working on the treatment at his home in Sharon, Conn. Story deals with various members of the writer's family.

Thurber is co-author with Elliot Nugent of 'The Male Animal,' legit hit on Broadway last season, which was sold to Warner Bros. His only previous film experience was in Hollywood, recently working with Nugent on the screenplay. Writing and illustrating a twice-a-week column, which started in PM New York daily, last week, Thurber is also doing a libretto for a ballet, working with Nicholas Nabokov, Russian composer, on a terp version (Continued on page 12)

Out-State Trade Showings Prove Good Business For Par Selling; Other New Product Deals Set

Exhibs' Self-Rib

Columbus, Sept. 24.

Independent Theatre Owners of Ohio goes facetious in announcing switch of its convention this year from the usual midwinter date to Oct. 30-31 in Columbus.

Change was made, announcement declares, 'because our past few conventions have been held during the winter when the weather was unfavorable and many exhibitors were in Florida.' Spending the losses incurred from the showing of B pictures on preferred playing time.

Detroit, Sept. 24.

More of the studios are contemplating out-State screenings here following the response to trade showings for the small town exhibitors loath to make long trips to the big city. For some time, in a State of this size, there has been a steady decline in the out-State attendance at screening of features in Detroit—expense and time lost being more than the small town exhibitors wanted to spend.

Recently Paramount went out to meet the boys and tried the first showing of features by a major studio up in the exhibitors own country. The response was overwhelming with more than 100 of them showing up for the screening of three features at Hastings, Mich. A good time and good business was had with the small towners saying they would be glad to have more of the same as long as it didn't take them away from their business too long—few have sizable staffs and have a dozen jobs around their theatres.

Having found the answer to more direct contact with the exhibitors they rarely see, Paramount is planning more of the trade screenings in strategic points around Michigan, readily available to large numbers of the small-towners. The other studios have caught on and Detroit offices are sending out scouts to find good sites for gathering together the exhibitors without long junkets.

Minnesota Ditto

Minneapolis, Sept. 24.

Local exchanges are so enthusiastic over their current and impending releases that they're holding a record number of trade screenings. They're not only having these screenings in Minneapolis, but also throughout the territory.

Paramount, for example, took prints of 'Rhythm on the River,' 'I Want a Divorce' and 'Rangers of Fortune' to six different communities for trade previews.

Allied Says Tain't So

Tabulation and analysis of the Northwest Allied survey questionnaires, turned in by independent exhibitor members in the territory, reveal that 52% of them have not signed any 1940-41 contracts, according to figures made public by Fred Strom, executive secretary. Of the remaining 48%, only one has four deals, six have three deals and the others one or two, according to Strom. 'This is in the face of claims by major distributors here that "selling is proceeding normally" and that "sales are as good or ahead of the corresponding period a year ago."

Strom scoffs at reflections on the accuracy of his buying figures—reflections being made 'by some distributors.' Any further facts and figures in connection with the survey will have to come from the offices of national Allied States in Philadelphia, he announces.

Saenger's Republic

New Orleans, Sept. 24.

Playing the product of all companies during 1940-41 excepting Universal, the Saenger circuit has closed for the Republic pictures for the first time.

As a result of a fuss with Universal and breaking of negotiations for that program for the coming season, U is selling to independents, 'some cases on a long-term basis.'

In prior years Saenger has broken with other companies, including Warner Bros. and Columbia. It also refused to play 'Snow White' and 'Pinocchio,' released by RKO, due to the terms asked.

On resisting Metro on 'Gone With the Wind' due to the rental terms and other stipulation laid down, pressure was brought against Saenger which resulted in booking of the pic (Continued on page 22)

Peggy Kent's 3d Try

Hollywood, Sept. 24.

Peggy Ann Kent, daughter of Sidney R. Kent, prez of 20th-Fox, announced today (Tuesday) she will marry rap announcer Don Wilson in November. It will be her third try at wedded life and the final one, she said.

Miss Kent was recently divorced from Ernie Westmore, makeup artist, after a marriage of less than a year. Her first marriage was at 17 to John Holland Hodges, a Britisher. It lasted four years.

Indie UA, S.F., Makes Bid for Gallup's 32,000,000 Who Don't Go to Pictures

San Francisco, Sept. 24.

First effort here to capture some of the 32,000,000 who don't go to pictures, as revealed in the Gallup poll, was launched this week by Charles Schlaifer, of Herman Cohen's indie United Artists. On behalf of 'Foreign Correspondent,' Schlaifer whipped up a 10-inch column of type, headed 'Adorably Speaking,' signed 'U. A. Charley' and addressed directly to those who aren't regular attendees. Message explained that the U. A. is geared to taste of the discriminating, being single-feature and all.

Ads are spotted everywhere but on theatre page, Schlaifer figuring non-fans don't read regular ads. Chronicle gave it top position on page 2.

Footnote adds that 'this is the first in a series of ads presented by The United Artists Theatre for the interest of discriminating people.' Schlaifer has filed copyright application on his copy and will use idea as regular feature.

'DICTATOR' GETTING UNUSUAL PUBLICITY

Despite the publicity clamped down until recently on Charles Chaplin's 'The Great Dictator,' breaks in the last few weeks are comparable only to those on 'Gone With the Wind.' In New York alone on a recent weekend, the Herald-Tribune carried a six-column art layout, the News a three-column layout, and the World-Telegram a seven-column spread.

Ten pages of pictures carried by PM some weeks ago have been picked up by 41 papers. Roto breaks included New York Times, Chicago News, Cleveland Plain Dealer, and Kansas City Star. Mags which carried pic layouts included Life, Look, McCall's, Ladies Home Journal, and Red Book. All were set by Lynn Farnol, United Artists pub-ad chief.

Series of cartoon drawings has been made for the pub-ad department by Harry Hirschfeld, Otto Soglow and Sam Berman.

Mickey Mouse 12th Anniversary Stunt Goes Over In Det.

Detroit, Sept. 24.

Mickey Mouse's birthday party was celebrated profitably here by the Varsity, one of the United Detroit clubs. Picking out the 12th anniversary of the birth of Disney's famed character on the screen—it was a Saturday when the kids were out of school—the house put on a special bill of the cartoons. Made a party of it, with cake and giveaway balloons.

The youngsters also were invited to sign an autograph book to be sent to 'Mickey Mouse.' The result was that there was an hour and a half wait for the 1 p.m. show and longer waits for the rest of the long day.

Unterfort (Syr.) Wins Schine Mgrs.' Contest

Syracuse, Sept. 24.

Harry Unterfort, RKO-Schine city manager, has won first prize of \$500 in the 13-week managers' contest sponsored by the Schine organization. He is splitting the prize with the other three managers of RKO-Schine houses in the city.

Unterfort won the prize as manager of Keith's, from which he was recently elevated to the post of city manager, after Gus Lampe was made a regional director. Thirty prizes for the 150-houses involved in the contest were awarded.

Steaming Up Tugboat

Hollywood, Sept. 24.

Warners is tossing \$100,000 more fuel into the boiler of 'Tugboat Annie Sails Again,' the idea being that the tug is a faster boat than anybody realized before she was launched.

Most of the added power is being shoveled to newspapers and fan mags, with two bucketsful allocated to the Saturday Evening Post.

Boosts Local Biz

Premiere troupes from Hollywood mean dollars from tourists, according to chambers of commerce of various historical towns which have been dramatized in pictures. Business men of Virginia City testify that the 'Virginia City' preem, staged by Warners, has boosted the summer tourist trade beyond anything in the last 30 years.

From Dodge City, Kan., comes word that the all-Ohio surrounding the Errol Flynn starrer of that name in 1939 is still paying dividends.

Atlanta All Excited About Another Preem, This Time Rep.'s 'Maggie'

Atlanta, Sept. 24.

Town's buzzing about another world preem fiasco based upon another Atlanta's novel, 'Who Killed Aunt Maggie?' by Medora Field Perkinson, former associate ed of Atlanta Journal's (local) magazine. World premiere has magic sound to this burg, which is still enjoying collective hangover from Metro's elaborate bow last December of Margaret Mitchell's 'Gone With the Wind.'

Mrs. Perkinson is in Hollywood where she helped officials of Republic, producer of 'Maggie,' set cast, which is headed by Wendy Barrie and John Hubbard, with Walter Abel, Edgar Kennedy, Elizabeth Patterson, Joyce Compton and Willie Best in support. The author expects to remain on Coast until Oct. 1 to help select costumes and sets.

Plans for preem call for Gene Autry and his leading femme, June Storey, to be present for festivities. Local Junior League has requested, and received, permission to sponsor 'Maggie's' debut for a league charity and Better Films Committee is already at work on arrangements for civic luncheon in honor of all stars and celebrities who attend. There will be a downtown parade and all the trimmings that accompanied the 'GWTW' premiere.

Arrangements for event, now scheduled for December, are being tentatively made by Arthur C. Bromberg, eastern chief of Rep.

Mpls. Trib, Theatres In Grid Pix Tieup

Minneapolis, Sept. 24.

Nifty exploitation tieup has the Tribune, local newspaper, filming every high school homecoming football game. Films are to be shown first at the Minnesota Amus. Co. (Paramount) State theatre, the following week at its Gopher and subsequently at other circuit houses.

Tribune is advertising the feature plentifully in its sports and other news sections, with no cost to theatres. Latter in reciprocal plan and to create customer demand, runs trailers on screen plugging stunt.

'BOOK BALL'

First Prize Contest for Best Film Made From a Book

Award for the best film made from a book will be presented by the Associated Motion Picture Advertisers at the first annual 'Book Ball,' given by employees of book-selling and publishing firms, at the Manhattan Center, Nov. 8. Joe Gould, of United Artists, is chairman of AMPA's committee participating in the shindig.

Workers in the book industry will take part in a star-impersonation contest at the ball. They'll wear original costumes used in recent films.

Book reviewers enlisted by AMPA to judge the best film made from a book are F. Donald Adams, Ralph Thompson and Charles Poore, of the N. Y. Times; James C. Grey, Sun; Roger Pippert, PM; Charles Wagner, Mirror; Thomas Burton, Saturday Review of Literature; Albert Hubbard, Newsweek; Orville Prescott, Cue; Samuel Sillen, New Masses, and Gilbert Seldes, Columbia Broadcasting System.

Lifton Set on Coast

Hollywood, Sept. 24.

Louis Lifton, chief of advertising and publicity for Monogram, moved into his new headquarters at International studio in keeping with the general trek of the home office staff from New York to Hollywood.

William L. Pierce, head of the department on the Coast for three years, checked out to open his own publicity office.

10G Grabs Strong Rally in Texas On 'Westerner' Bow

Fort Worth, Sept. 24.

For around \$10,000, which included \$1,500 for extra ad space in the Fort Worth and Dallas newspapers, in connection with the dual world premiere of Samuel Goldwyn's 'The Westerner' (UA), Lynn Farnol not only stole everything in sight in both these metropolises but literally made it a state-wide celebration. From these two focal points, a judicious press and radio buildup, capped by a sequence of local broadcasts—with Jimmie Fidler and George Fischer brought here for further guest-announcing—certainly put 'The Westerner' on the map for all points of the compass.

Gary Cooper, Walter Brennan, Ona Munson, Bob Hope, Edward Arnold, Lilian Bond, Mr. and Mrs. Samuel Goldwyn, the film's director William Wyler and his wife, Margaret Tallichet, and altogether 100 people from here, the east and west—including syndicate, daily and trade press—gave this neck of the U. S. A. a gala week while in aspect. Three plane-loads from Hollywood and two from New York converged first on Fort Worth where the preem was held Thursday night (19) and in Dallas the next day (20).

Publisher Amos Carter, local headliner, aided the still young traditional Fort Worth-Dallas 'feuding,' stating, 'If Goldwyn ever produces 'The Easterner,' it's all right with me if he puts the premiere on in Dallas; but 'The Westerner' belongs here, where the west begins.'

Bob O'Donnell, the Interstate circuit's v.p. and gm. (Karl Hoblitzelle, prez, is still in California) gave it a civic keynote, especially in the Dallas g.h.q. of the Interstate Circuit, where he showed how well integrated was show business in the ordinary life of the community. O'Donnell hosted everybody at the Variety club; he showed what the club did by building his own wings and dormitories, taking the visiting celebs around to the sundry institutions, financed by local showmen. John Rosenfield, Jr., ace amusement editor of Dallas (on the News), hosted the bunch at the Dallas Athletic Club, and further keynoted how closely allied was show business in local civic pursuits.

Upped preem scales at Fort Worth and Dallas, to \$120 top, were sellouts, necessitating a last-minute third theatre being added to the Worth and Hollywood, previously advertised. O'Donnell's Interstate theatre staff, allied with Farnol, Joe Shea and Gabi York, with including Frank Westendorff, Frank O. Startz, Bob O'Donnell and Bob Cherry, inspired a 'thank you' ad in the Fort Worth dailies from Goldwyn to Westendorff, Startz and O'Donnell for their bangup, whoop-de-do exploitation job.

A Miss Texas' beauty contest, in connection with the film, was the hypo that made the entire state conscious of the Goldwyn-UA film, with the finals picked at the Worth premiere.

Geo. Dembow's Feed

Luncheon will be tossed for George Dembow, v.p. and salesman of National Screen Service, at the Hotel Astor, N. Y., today (Wednesday) by execs and members of his staff. Occasion is completion of three weeks of regional sales conventions. Among those tendering the shindig are NSS toppers Herman Robbins, Toby Gunn, Charles L. Casanave and William B. Brenner.

RKO Takeover of Two Cocalis Houses Produces Many Shifts, Promotions

On taking over the Pelham, Marble Hill and Castle Hill in the Bronx, N. Y., from the Cocalis circuit, RKO has set several managers in promotions, plus effecting various shifts.

James Fitzgerald advances from assistant manager at the Coliseum to take charge of the Pelham; Reginald Smith, manager of the Albee, becomes manager of the Orpheum, Brooklyn; Allan Warth steps up from treasurer to assistant manager at the Albee and Edward McDonough, from student mgr. into the spot vacated by Warth's promotion.

Edward Pyne, student mgr. at the 85th St., goes in as assistant manager of the Castle Hill, and Carl Siegel, chief of service for the Forham, will become assistant manager at the Pelham. Max Mink moves from the Regent to manage the Castle Hill; Max Slovian succeeds Mink at the Regent; Max Rosen shifts into the Empire to manage the Roosevelt; Louis Friedman goes from the Midtown, where manager, to handle the Empire; Harold Miesman from the Orpheum to the Marble Hill as manager and Herman Spielman, now assistant manager at the Pelham, goes into the same post at the Coliseum.

A. H. Blanks' 35th Annl.

Des Moines, Sept. 24. A. H. Blank, president of the Tri-States and Central States, celebrated his 35th wedding anniversary Friday (21).

M. Van Praage, midwestern district manager for National Screen, scheduled to arrive in Des Moines Monday covering the last two weeks while covering National Screen and Advertising Accessories, Inc., under the National Screen roof. AAI has been located several blocks up the street at the Paramount exchange.

Reported that H. E. Schwelco, of Spencer, taking over the Gem at Rib Lake, Wis., from August Gumm. Remodeling of Dale R. Goldie's American, Cherokee, Ia., nearly completed.

Bill Scholl, RKO exploiter, has abandoned the shoulder-shelf he's been wearing for six weeks while recovering from injuries suffered in an automobile accident. He's covering the territory with a chauffeur, now. Managers shuffle has marked the change. The new staff into their fall business drive. G. Ralph Branton, general manager of the circuit, which operates in Illinois, Iowa and Nebraska, announced the following changes: Theatres to be closed.

W. R. McCulloch, formerly assistant manager of the Paramount theatre in Waterloo, Ia., goes to the Granada, Sioux City, Ia.

Ira Crane of the Granada shifted to the Omaha, in Omaha, as assistant to manager A. Don Allen.

Jack Kolbo, former assistant to Allen in Omaha, transferred to the Esquire, Davenport, as manager, effective Sept. 13.

Don Shane, formerly assistant at the Orpheum, Omaha, moved to Sioux City, to manage the Capitol.

J. W. Pickett, manager of the Strand, Hastings, Neb., stepped over to the Esquire, Davenport, where he quit the Rivoli to become commercial manager of the Hastings radio station.

Louie Nutzman, assistant manager at the Rivoli, given Pickett's former job at the Strand.

Par's New S. F. Exchange

San Francisco, Sept. 24. Paramount's swanky new exchange offices, complete with ultra-modern 50-seat screening theatre, won't be ready until Oct. 1 due to delay in arrival of furnishings from east. Lower floor will be shared by United Artists.

Earl Williams, veteran operator here, will build and acquire string of nabes in Frisco area.

Joe Blumenfeld's circuit has picked up Casino, downtown last-runner which went dark couple of months ago. Will give against two theatres, according to recently acquired Davies in same area.

Franklin Woods is new manager of Aaron Goldberg's Peerless. Latter's Egyptian also has new overseer in person of A. Chase.

Leo Adler, traveling auditor, giving local UA exchange annual going-over. Otis Watson, same exchange's veteran salesman, resigned to go into biz for himself.

Schines' 13th in Reck.

Rochester, N. Y., Sept. 24. Schines took over Webster, nabes 600-seater, raising total to 13 in the Rochester area. Max Fogel, veteran Schine circuit nabes, is now manager of the Monroe theatre and booker for Rochester Schine houses. Herbert Armstrong continues as house manager of the Webster and admission days at 30c top against two bits plus tax in competing Schine theatres.

Arnold Feldman returns as assistant manager of the Monroe under Fogel and Clayton Cornell switches from nabes to the West End. Ted Whitcomb, manager, West End, resigns, and Harry Rockowitz

transfers from assistant manager of the Monroe to take charge of the two-days-a-week Lake theatre. Edmund Heer, Rochester since its opening in 1927, leaves Oct. 1 to become assistant manager of Loew's State, Boston. Successor not yet named. Alvin Leonard joins staff as student assistant manager.

Gibson Aides Walsh

Buffalo, Sept. 24. William Gibson resigns after three years at the 29th Century-Fox to become assistant to Dick Walsh, publicity head for Strand and Cataract, Niagara Falls, and the Lafayette, Buffalo.

Legion of the Albee, reopened following extensive alterations. U. J. Hoffman operating. The Phelps, Phelps, N. Y., reopened by David Keen, formerly of Hornell. Other Schine theatres include the Falls, Honeoye Falls, with P. Barnard in charge, and the Artistic, Buffalo, David Zachem operating.

Israel Heads Far Pep Club. Arthur Israel, Jr., was unanimously elected president of the Paramount Pep Club at the meeting recently. Executive committee named v.p., R. A. Camp, treasurer, and Helen R. Kraus, secretary. Board of governors, selected for two years, were Natalie Binder, Morner manager of the Downtown, and Leonard Goldenson, Fred Mohrhardt and J. R. Wood.

Wolfshel Back. Kerville, Texas, Sept. 24. Joe Wolfshel of San Antonio has returned here as manager of the Rialto and Arcadia. He was manager of Rialto at the time it was opened here by the Hall Industries of Beville and later was manager of the Arcadia after it was taken over by the circuit.

Mich. Allied's Setup. Detroit, Sept. 24. Incorporated as a \$50,000 Michigan corporation, Allied Film Exchange has opened offices here. Setup includes Bert Williams as president; Katherine Williams, v.p.; H. Vinton Gilbert, of Distributors, Inc., as secretary-treasurer, and Sam Carver, former manager of the Downtown theatre here, as Detroit salesman. Among the independent product the new company has started to circulate in the territory are 'The Wandering Jew,' 'The Great Escape,' 'The Masked Men,' 'Night Club Queen,' 'Murder in the Red Barn' and 'Souls For Sale.'

Tri-States' Shakeup. Omaha, Sept. 24. Quite a shakeup in Tri-States' personnel. Don Shane, two years assistant of Orpheum, goes back to Sioux City to become manager of the Capitol, replacing Jim Schlatter, who started at Orpheum here 10 years ago. Jack Kolbo goes to Davenport, where he'll replace the Esquire, replaced at the Omaha by Ira Archer, manager of the Granada, Sioux City. Bill Trites, treasurer at the Orpheum, replaces Shane as assistant at the Orpheum.

MPTO of W. Pa. Convenes Oct. 21-22. Pittsburgh, Sept. 24. Annual convention of MPTO of Western Pa. will be held here Oct. 21-22. Closing banquet will be a testimonial to M. A. Rosenberg, local theatre owner and president of organization. Promises have already been received from M. A. Myers, Col. Harry A. Cole and Sidney Samuelson that they will attend.

Sol Goldberg, former Elkins, W. Va., exhib and father of Marshall Goldberg, one-time Pitt All-American back and now playing pro football with the Chicago Cardinals, has joined a local auto agency as a salesman.

Harry (Doc) Day, formerly of the Triangle, has joined M. A. Rosenberg's Rialto as assistant manager.

(Continued on page 22)

'Bicycle Trade'

Minneapolis, Sept. 24. Gateway, lower loop double feature dime subsequent-run house, is catering to the 'bicycle trade' and has space in front equipped with rack for patrons to park their bicycles. Many of customers come on bicycles instead of in cars.

'Young's' Harem

San Francisco, Sept. 24. Sniped across 24 sheets under main title for 'Brigham Young' here is a strip reading 'And a Dozen of His Wives.' Newspaper copy bills flick as 'Brigham Young-Frontiersman.' 'Young' opens Thursday (26) at Fox.

Chi Dull; 'Hawk' -Vaude, \$35,000, Good But Under Hopes, Barrymore Neat \$9,500, 'Pastor' Big \$16,000

Chicago, Sept. 24. General boxoffice pace slackened considerably without apparent reason, with even the so-called cinch money items failing to engender much excitement on their openings. There may be an outside change for an alibi in the new heat wave which has descended on the town.

Originally slated for a full fortnight in the big Chicago, it now appears that 'Sea Hawk' will do well to make it a full single week. After front-page publicity for 'Pastor Hall' when it was originally banned by the censor board, the flicker is clicking at the Apollo.

Elsewhere the same dull boxoffice pace is apparent. Blue Barron band is not doing much for the State-Lake, but Tommy Tucker's orch indicates a healthier session and profits for the rival Oriental.

John Barrymore's 'Great Profile' got away Saturday (21) in the Roosevelt and may get some business on sensational run that Barrymore turned in last season here with the legit 'My Dear Children'.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-65-75) —'Pastor Hall' (UA). Powerful publicity on censor ban, which was then revoked by the police department. Scarcity of female interest is the boxoffice drawback. May go to \$16,000, however, strongest here in many weeks. Last week, 'Kildare Home' (M-G), was just another week at \$4,300.

Chicago (B&K) (4,000; 35-55-75) —'Sea Hawk' (WB) and stage show. Got away slow in general loop let-down. At present looks for \$35,000, good, but not anywhere near expectations. Last week, 'Want Divorce' (Par) and Guy Lombardo orch, disappointing \$30,000.

Garlick (B&K) (900; 35-55-65-75) —'Rangers Fortune' (Par). Moved here from the State-Lake, and not much in the offing at \$3,000. Last week, 'Stayed Breakfast' (Col), finished second loop session to mild \$3,100.

Oriental (Jones) (3,200; 28-44) —'Sea Raider' (Par) and Tommy Tucker orch unit. Combination going for \$16,000, alright. Last week, 'Pastor Hall' was powerful at \$20,300 for George Jessel Hollywood unit and 'Cross Country' (RKO).

Palace (RKO) (2,500; 33-44-66) —'Hired Wife' (U) and 'Mummy's Hand' (U) (2d wk). Will take \$10,000, fine, after snagging excellent \$17,400 last week.

Boosart (B&K) (1,700; 35-55-65-75) —'Profile' (20th). Opened Saturday (21) and looks for okay \$9,500 in initial session on John Barrymore publicity. Last week, 'Rangers Fortune' (Par), fair \$10,100.

State-Lake (Lewy) (2,700; 28-44) —'Blondie Servant' (Col) and Blue Barron band unit on stage. Nothing happening here this week, sagging to mild \$15,000. Last week, 'Gloves' (Rep) and Tom Stogees, under expectations at fair \$14,400.

United Artists (B&K-M-G) (1,700; 35-55-65) —'Boom Town' (M-G) (4th wk). Fourth week in this house and looks for \$10,000. Came up with excellent \$14,500 last week.

Woods (Essaness) (1,200; 75-110-175) —'Gone' (M-G) (35th wk). Just keeps going and on with no expectation of letup. Will snatch \$7,500, great, currently. Same figure last week.

'LOVE AGAIN'-KILDARE BIG \$20,000 IN B'KLYN

Brooklyn, Sept. 24. All houses in the downtown area are well up in the black this stanza, with Loew's Metropolitan on top of the ladder due to 'I Love You Again' and 'Dr. Kildare Goes Home'. Run-ning Fabian Paramount with 'Rhythm on the River' and 'Those Were the Days'.

Fabian Fox, with 'He Stayed for Breakfast' and 'Three Faces West', and RKO Albee, with 'Lucky Partners' and 'Men Against the Sky', are neck and neck.

Estimates for This Week
Albee (RKO) (3,274; 25-35-50) —'Lucky Partners' (RKO) and 'Men Against Sky' (RKO). Jumping to big \$16,000. Last week, 'Young People' (20th) and 'Public Deb' (20th), weak \$12,200.

Fox (Fabian) (4,089; 25-35-50) —'Stayed for Breakfast' (Col) and 'Three Faces West' (Rep). Nice \$16,000. Last week, 'Flowing Gold' (WB) and 'Money Woman' (WB), strong \$16,000.

Loew's (3,818; 25-35-50) —'Love Again' (M-G) and 'Kildare Home' (M-G). Magnificent \$20,000. Last week, 'Pride and Prejudice' (M-G) and 'Turnabout' (UA) (2d wk), good \$16,000.

Paramount (Fabian) (4,126; 25-35-

50) —'Rhythm River' (Par) and 'Those Days' (Par). Bright \$18,000. Last week, 'Sea Hawk' (WB) and 'West Peppers' (Col) (3d wk), okay \$14,000.

Strand (WB) (2,870; 25-35-40) —'Anything but Love' (U) and 'Boys City' (Mono). So-so \$4,500. Last week, 'Gold Rush Maisie' (M-G) and 'Haunted House' (Mono), ditto.

KAYE UPS 'DEB' TO \$20,000 IN BUFF.

Buffalo, Sept. 24. (Best Exploitation: Buffalo)

Advent of autumn finds powerful stage and screen shows putting plenty of zing into the clicking turnstiles along the main stem. Four out of five downtown houses are at the big bulge with the outlook rosy for lofty tallies.

Sammy Kaye's 'So You Want to Lead a Band' giving the Buffalo a fine opportunity for exploitation. Appearances by local figures, including leaders of police, firemen and other civic organizations, hands with resultant group tieups, attracting much attention.

Estimates for This Week
Buffalo (Shea) (3,500; 35-40-50) —'Public Deb' (20th) and Sammy Kaye orch. Should trap smash \$20,000, or better. Last week, 'Foreign Correspondent' (UA), \$13,000, good.

'Great Lakes' (Shea) (3,000; 35-55) —'Sea Hawk' (WB). Sailing along for smacking \$17,000. Last week, 'Boom Town' (M-G) (3d wk) (44-65); still showed plenty of life at nearly \$20,000.

Elips (Shea) (2,100; 35-45) —'Kildare Home' (M-G) and 'Comin' Round Mountain' (Par). Only \$6,500, mild. Last week, 'Rhythm River' (Par) (2d wk) and 'Mystery Sea Raider' (Par), \$7,000, okay.

Lafayette (Hayman) (3,300; 30-40) —'Towards Virginia' (Col) and 'West Peppers' (Col). This play will pop off puffy \$20,000. Last week, 'Argentine Nights' (U) and 'Pirates Sky' (RKO), neat \$8,300.

20th Century (Dipson-Basil) (3,000; 30-40) —'Ladies First' (20th) and 'Osborne orch'. Geared for over \$10,000, healthy. Last week, 'Dance Girl' (RKO) and 'Men Against Sky' (RKO) (nine days), not too fancy \$8,500.

'HOWARDS', \$12,500, GOOD IN PROVIDENCE

Providence, Sept. 24. Generally sturdy biz herabouts, with the younger element giving a nice play to the Met's stage policy. Current week's grosses look like a repeat of last week's so-so takes.

'Towards Virginia', at Loew's State, is leading the pix house list.

Estimates for This Week
Albee (RKO) (2,200; 28-39-50) —'Dance, Girl' (RKO) and 'Tom Sawyer' (RKO). Fair at \$8,500.

Carlton (Fay-Loew) (1,400; 28-39-50) —'Foreign Correspondent' (UA) and 'Golden Fleeing' (M-G) (2d wk). Holding own for fairish \$3,500. Last week, 'Boom Town' (M-G) and 'Lucky Question' (Col) (2d run), ditto.

Fay's (Indie) (2,000; 15-28) —'Chan Wax Museum' (20th) and 'Colorado' (Rep). Heavy weekend play holding promise of good \$3,200. Last week, 'Stage Chino' (RKO) and 'Gambling Ship' (WB) (2d wk), 'Gambling Ship' (Fay) (2,200; 28-39-50) —'Brighton Young' (20th) 'Public Deb' (20th). Listless response to this one keeping it down around so-so \$5,500.

Last week, 'Talked Much' (WB) and 'Public Deb' (WB), weak \$5,500, and 'Metropolitan' (Associated) (3,000; 28-39-55) —'Doomed Die' (Mono) and George White's 'Scandals' (Friday) (20th) Saturday and Sunday, good \$4,500. Last week, 'Boys City' (Mono) and Glen Miller's orch, nifty \$15,000.

State (Loew) (3,300; 28-39-50) —'Towards Virginia' (Col) and 'Cross Country Romance' (RKO). Holding own for good \$12,500. Last week, 'Foreign Correspondent' (UA) and 'Golden Fleeing' (M-G), same.

Strand (Indie) (2,000; 28-40-50) —'Rangers Fortune' (Par) and 'Blondie Servant' (Col). Paced at fairish \$5,500. Last week, 'Want Divorce' (Par) and 'Girl God's Country' (Rep), ditto.

Metropolitan (Associated) (3,000; 28-39-55) —'Doomed Die' (Mono) and George White's 'Scandals' (Friday) (20th) Saturday and Sunday, good \$4,500. Last week, 'Boys City' (Mono) and Glen Miller's orch, nifty \$15,000.

State (Loew) (3,300; 28-39-50) —'Towards Virginia' (Col) and 'Cross Country Romance' (RKO). Holding own for good \$12,500. Last week, 'Foreign Correspondent' (UA) and 'Golden Fleeing' (M-G), same.

Strand (Indie) (2,000; 28-40-50) —'Rangers Fortune' (Par) and 'Blondie Servant' (Col). Paced at fairish \$5,500. Last week, 'Want Divorce' (Par) and 'Girl God's Country' (Rep), ditto.

First Runs on Broadway (Subject to Change)

Week of Sept. 28
Astor —'Gone With the Wind' (M-G) (41st wk.).
Capitol —'Strike Up the Band' (M-G).
(Reviewed in VARIETY, Sept. 18)
Criterion —'Comin' Round the Mountain' (Par) (25).
(Reviewed in VARIETY, Aug. 14)
Globe —'Pastor Hall' (UA) (2d wk.).
(Reviewed in VARIETY, July 31)
Musie Hall —'Howards of Virginia' (Col).
(Reviewed in VARIETY, Sept. 4)
Paramount —'Rangers of Fortune' (Par) (2nd wk.).
Rialto —'Chan at the Wax Museum' (20th) (27).
Rivoli —'Foreign Correspondent' (UA) (5th wk.).
Roxey —'Brighton Young — Frontiersman' (20th) (2d wk.).
Savoy —'City for Conquest' (WB) (27).
(Reviewed in VARIETY, Sept. 11)

Week of Oct. 3
Astor —'Gone With the Wind' (M-G) (42d wk.).
Capitol —'Strike Up the Band' (M-G) (2d wk.).
Criterion —'Golden Fleeing' (M-G) (2).
(Reviewed in VARIETY, Aug. 21)
Musie Hall —'Howards of Virginia' (Col) (2d wk.).
Paramount —'I Want a Divorce' (Par) (2).
(Reviewed in VARIETY, Sept. 4)
Rivoli —'Foreign Correspondent' (UA) (6th wk.).
Roxey —'Spring Parade' (U) (4).
Strand —'City for Conquest' (WB) (2d wk.).

Week of Oct. 3
Astor —'Gone With the Wind' (M-G) (42d wk.).
Capitol —'Strike Up the Band' (M-G) (2d wk.).
Criterion —'Golden Fleeing' (M-G) (2).
(Reviewed in VARIETY, Aug. 21)
Musie Hall —'Howards of Virginia' (Col) (2d wk.).
Paramount —'I Want a Divorce' (Par) (2).
(Reviewed in VARIETY, Sept. 4)
Rivoli —'Foreign Correspondent' (UA) (6th wk.).
Roxey —'Spring Parade' (U) (4).
Strand —'City for Conquest' (WB) (2d wk.).

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B'way Okay; 'Ramparts' at \$85,000; 'Brigham' \$40,000, 'Rangers'-Savitt 43G, P.&P.-Berle 22G, 'Hall' 11G

Downtown first-run shows in New York which have the ability to go a distance are holding their own, with a number of new recruits but two highly-exploited films of widely divergent character stepped into the arena this week to fight for what little show could get. They are 'Ramparts We Watch', on which dating by the Music Hall was deferred for some while, and 'Brigham Young' at the Roxey.

'Ramparts', favored by numerous good notices and radio plugs has a shade the best of it at an indicated \$85,000 or near. 'Brigham' will get around \$40,000, which is under hopes but may add to a holdover week starting Friday (27) that will reap a satisfactory profit. 'Ramparts' won't hold.

A picture that has not had the advance ballyhoo and ad backing of 'Brigham' and 'Ramparts' is doing comparatively better at the well-established pit-band house, the Par, 'Rangers of Fortune'. The stage has Jan Savitt, Andrews Sisters and Jerry Lester. With previews thrown in on Monday and Tuesday nights (23-24), the initial seven-day gross is \$43,000. Holdover week begins today (Wed.).

'Pastor Hall', James Roosevelt's picture, is putting a new life into Harry Brand's Globe grind, the first week appearing \$11,000 or over. It will remain a second round.

The holdovers include 'Boom Town' at the Capitol and 'No Time for Comedy' with Larry Clinton at the Strand. These are on final (3d) weeks and still sturdy. 'Boom Town' has lost some of the stout record shown on the first 4 days but nonetheless is almost good enough this session at \$28,000 or better to have chanced a fourth week. Instead, through Friday (27).

Expo's Finale Boffs Frisco

'Howards' Fine \$12,000, But Barrymore Just Average At \$9,000

'Argentine Nights' (U). Satisfactor
\$3,500. Last week, 'Sea Hawk'
(WB) (2d wk), all right \$3,200.

Now It's Heat Kicking Mpls. For Loop; Ramparts' OK 3G, Divorce-Molina 8G

Minneapolis, Sept. 24.

Terrible unseasonable heat, generally depressed trade conditions and prescription and political uncertainty continue to take a heavy toll here. These factors are getting the blame for the current slump in grosses now going into its third week.

An instance of the time's trend is found in 'Boom Town' boxoffice results. This picture, now in its ninth week, was topped to hit a minimum of \$20,000 during its initial week. Instead, takings were \$14,500.

Stage shows, too, are suffering plenty. Ted Lewis, with a swell layout, went under last week, although still skimming through on the black side of the ledger. Currently Carlos Molina's 'La Conga' revue is finding the going tough at the Orpheum. The Alvin, with stage entertainment, but fourth-rate films, in the second week of the new policy, still has rough sailing, too. If paying customers won't go for name bands any stronger than they went for Lewis it doesn't look as though the non-band and non-name shows have much of a chance, especially when they still have a huge nut to crack and lack the strong screen support given to Lewis by 'My Love Came Back'.

Of the newcomers, 'Ramparts We Watch' at the sure-seater World, is making the best showing thus far, thanks to the great amount of publicity given to the official blitzkrieg sequences included in the film. 'Dr. Kildare Goes Home', scaled at \$4,000 at the Century, whereas many of the series' predecessors, including the 28c Gopher or with stage shows at the Orpheum, is centering along at a mild pace.

Estimates for This Week

Alvin (Hirsch-Katz) (1,400; 28-44-55) — 'Forgotten Girls' (Rep) — 'Swing a Thorn' on stage. Picture zero minus, but midwest burlesque circuit road show, with stripping and everything else likely to prove offensive deleted, and through vaudeville acts and chorine provides pleasing entertainment. Looks, however, as though a sufficient proportion of public doesn't wish this type of show. Poor \$3,000 indicated. Last week 'Son of Navy' (Mono) and 'Cocktails of 1941' on stage, \$3,500, light.

Before (Par-Singer) (500; 15-28) — 'Before I Hang' (Col) and 'River's End' (WB), both in first runs, for five days and should reach big \$2,000. Last week 'Scatterbrain' (Rep) and 'Girl God's Country' (Rep), dual first-runs, good \$1,800 in five days, split with 'Military Academy' (Col) and 'Money and Women' (WB), also dual first-runs, mild \$1,000 in four days.

Century (Par-Singer) (1,600; 28-44-55) — 'Kildare Home' (M-G). Most of predecessors were shown at lower-scaled house and higher tariff here making a difference. Poor \$3,000. Last week 'Lucky Partners' (RKO) (2d wk), mild \$3,500 after fair \$6,000 first week.

Gayette (Gillman) (290; 28) — 'Daltons Ride' (U) (2d wk) Moved here after eight good days at Gopher. Mild \$700 indicated here. Last week 'Doomed Die' (Mono), \$700, light.

Gopher (Par-Singer) (998; 28) — 'Dance, Girl, Dance' (RKO). Last names and customers' opinions are mixed. Off to slow start and not likely to build. Headed for light \$2,500. Last week 'Daltons Ride' (U), big \$3,900 in eight days.

Orpheum (Par-Singer) (2,800; 39-44-55) — 'Walt Disney' (WB) and 'Carlos Molina band and La Conga Jubilee' on stage. Not getting fair light \$8,000 indicated. Last week 'Love Back' (WB) and Ted Lewis \$12,000, pretty good, but far under expectations.

State (Par-Singer) (2,300; 39-44-55) — 'Boom Town' (M-G) (2d wk) Not delivering at boxoffice in anticipated fashion, considering big ballyhoo given it. First week, big \$14,500, but nowhere near the \$20,000 predicted.

Uptown (Par) (1,200; 28-39) — 'Love Again' (M-G). Fast name showing. Fairly good, \$2,400 indicated. Last week 'Drive Night' (WB), satisfactory \$2,800.

World (Par-Singer-Steiffes) (350; 28-39-44-55) — 'Ramparts' (RKO). 'Baptism of Fire' sequence, heavily publicized, bringing in \$1,500 in prospect. Last week 'Hired Wife' (UA), good \$1,800 after fair \$6,000 first week at Orpheum.

Lupino Swings to 20th

Hollywood, Sept. 24.

Ide Lupino inked a one-picture-a-year contract with 20th-Fox. First film is still under consideration. Currently she's working at Warner with a three-picture-a-year pact. Her next job there is 'The Sea Wolf', starting next month.

Key City Grosses

Estimated Total Gross

This Week.....\$1,552,100
(Based on 26 cities; 175 theatres, chiefly first runs, including N.Y.)

Total Gross Same Week

Last Year.....\$1,167,100
(Based on 26 cities, 174 theatres)

HOWARDS' FAIR \$6,500 IN N. G. L'VILLE

Louisville, Sept. 24.

Prolonged heat wave and pretty ordinary film fare are combining to hold grosses in the lower brackets for the current session. Weather has been pretty much on the torrid side, temp hitting around the 90's and over, which is stringing out the summer season until it's running into the normal fall buying time.

Next week should be another story, if weather turns cooler. All houses are booking in strong pix to compete with Kentucky Institute and Rialto, to be bringing in Phil Spitalny's all-girl-orch.

'Howards of Virginia', dualled at Loew's State, is running a little ahead of the balance of the downtown houses, with 'I Want a Divorce' close behind at the Rialto. Elsewhere biz is rather slow.

Estimates for This Week

Brown (Loew's-Fourth Avenue) — 'Hired Wife' (U) and 'Slightly Tempted' (U). Average \$1,800, fair enough on moveover. Last week, 'Lucky Partners' (RKO) and 'Stranger Than Paradise' (RKO), mild \$1,500 on moveover.

Kentucky (Switow) (1,200; 15-25) — 'Snow White' (RKO) (reissue) and 'Maryland' (20th). Should reach satisfactory \$1,200. Last week, 'Untamed' (Par) and 'Pago Pago' (UA), okay \$1,500.

Loew's State (Loew's) (3,100; 15-30-40) — 'Howards Virginia' (Col) and 'Peppers Trouble' (Col). Nice family comb and racing for average \$6,500, tops in town on dual week. Last week, 'Boom Town' (M-G) and 'Lady Question' (Col), in second downtown week, \$8,000, excellent.

Mary Anderson (Libson) (1,000; 15-30-40) — 'Flaming Gold' (WB). Nothing outstanding looked for, but should manage okay \$3,000. Last week, 'Sea Hawk' (WB), in third downtown week, fair enough \$2,800.

Blatte (Fourth Avenue) (3,400; 15-30-40) — 'Want Divorce' (Par) and 'Yesterday's Heroes' (20th). Indicate average \$6,000. Last week, 'Hired Wife' (U) and 'Slightly Tempted' (U), nice \$6,500 and moveover.

Strand (Fourth Avenue) (1,400; 15-30-40) — 'Mummy's Hand' (U) and 'Argentine Nights' (U) (2d wk). H.o. of this combo one of the surprises of the past week. Medium \$2,000, after last week's splendid \$4,500.

Seattle Off; 'Brigham'

Disappoints at \$5,500

Seattle, Sept. 24.

'Ramparts We Watch' is holding a second week at the Blue Mouse, which is unusual here for pictures of this type. 'Boom Town' is going into third week at Fifth Avenue, but at these prices is dipping. 'Wyoming' moved to Music Box, and doing okay. 'Sea Hawk' is also a holdover at Palomar and expected to move to Roosevelt. Paramount is getting top attention with 'Brigham Young'. Generally, biz is off due to heat. Wilkie radio talk and local baseball play-off.

Estimates for This Week

Blue Mouse (Hamrick-Evergreen) (850; 30-40) — 'Ramparts We Watch' (RKO) (2d week). Slumping to \$1,300 for five days. Last week, big \$3,200.

Coliseum (Hamrick-Evergreen) (1,900; 21-35) — 'Pride and Prejudice' (M-G) and 'We Who Are Young' (M-G), with 'Sporting Blood' (M-G) replacing 'Young' last half (2d run). Eyeing \$2,800. Last week, 'Maidie' (M-G) and 'Maryland' (M-G) (2d run), \$2,900, good.

Fifth Avenue (Hamrick-Evergreen) (2,340; 40-50-65) — 'Boom Town' (M-G) (3d wk). Anticipating fair \$4,000 on moveover. Last week, \$3,100, great.

Liberty (J-VH) (1,650; 30-40-50) —

'Earthbound' (20th) and 'Girls of Road' (Col). Second week. Last week, 'Queen of Yukon' (Mono) and 'Haunted House' (Mono), \$4,100, okay.

Musie Box (Hamrick-Evergreen) (850; 30-40-50) — 'Wyoming' (M-G) and 'Kildare Home' (M-G). Moved over from Paramount, expect good \$3,500. Last week, 'Rhythm River' (Par) and 'Chan Museum' (20th) (3d wk), \$2,000, good.

Orpheum (Hamrick-Evergreen) (2,800; 30-40-50) — 'Haunted Honey-moon' (M-G) and 'Public Deb No. 1' (M-G). Paced at fair \$4,400. Last week, 'Rangers of Fortune' (Par) and 'Want Divorce' (Par) (nine days for latter), \$5,600, big.

Palomar (Sterling) (1,350; 30-40-50) — 'Sea Hawk' (WB) (2d week). No vaude, unusual at this vaude-filmer. Moving along for steady \$4,400. Last week, \$7,500, big.

Paramount (Hamrick-Evergreen) (3,038; 30-40-50) — 'Brigham Young' (20th). Fair \$5,500, but very disappointing. Last week, 'Wyoming' (M-G) and 'Kildare Home' (M-G) \$7,400, big.

West (Sterling) (800; 20-35) — 'Boys Syracuse' (U) and 'Man Talked Too Much' (WB) (2d run). Looking for slow \$1,800. Last week, 'Daltons Ride' (U) and 'Private Affairs' (U) (2d run), \$2,200, good.

Winter Garden (Sterling) (800; 16-32) — 'Mortal Storm' (M-G) and 'Was Adventures' (20th) (2d run). Expected mild \$1,700. Last week, 'Waterloo Bridge' (M-G) and 'Glad On Broadway' (M-G) (2d run), \$2,100, good.

Cleve. B.B.-Crazy; Lombardo Plus Dance Light 11G

Cleveland, Sept. 24.

Cleveland Indians' home games and chances of winning the pennant are the only things that seem to matter in this baseball-crazy town at the moment. Fans are keeping ears glued to radios, and when Feller pitches the theatres might as well close their doors for the day.

'He Stayed for Breakfast', nevertheless is coping a hearty meal at Hipp, helped by fact that rival State has a h.o. in 'Boom Town'. Latter is doing better than some first-runners. 'Dance, Girl, Dance' and Guy Lombardo, whose customary sock draw didn't materialize in his adopted home-town, catching just lightweight trade at Palace.

Allen (RKO) (3,000; 30-35-42-55) — 'Sea Hawk' (WB). Handsome \$4,500 on third stanza shift from Hipp. Last week 'Not So Tough' (U), good \$2,000.

Hipp (Warner) (3,700; 30-35-42-55) — 'Stayed Breakfast' (Col). Getting smart \$13,000. Last week 'Sea Hawk' (WB), on second stay fell off \$7,500 after garnering swell \$17,000 on first frame.

Palace (RKO) (3,200; 30-35-42-55-66) — 'Dance, Girl, Dance' with Guy Lombardo's orch. Poor getaway \$11,000. Last week, 'Mummy's Hand' (U) and 'Argentine Nights' (U) (2d wk), \$11,500.

State (Loew's) (3,450; 30-35-42-55) — 'Want Divorce' (Par) (2d wk). No aid from critics, but a super-campaign is plugging it along to swell \$12,000, after wallowing \$25,500 last week.

Switlow (Loew's) (1,972; 30-35-42-55) — 'Kildare Home' (M-G). First time house has a one of series, usually at State, and very profitable at \$4,000. Last week 'Coming Round Mountain' (Par), \$2,500, poor.

'Wife'-Woman' Strong \$5,200 in Port., Ore.

Portland, Ore., Sept. 24.

Only new pic to open in this spot was 'Hired Wife', which is living up to expectations at the Broadway. Best holdovers are 'Boom Town', in its second week at the UA, and 'He Stayed for Breakfast', still rolling in the laughs at the Paramount.

Estimates for This Week

Broadway (Parker) (2,000; 35-40-50) — 'Hired Wife' (U) and 'Money and Women' (WB). Opening strong after good buildup to satisfactory \$5,200. Last week, 'Kit Carson' (UA) and 'Golden Fleeing' (M-G), average \$4,500.

Mayfair (Parker-Evergreen) (1,500; 35-40-50) — 'Sea Hawk' (WB) (4th week). Still winning okay \$2,500. Last week, average \$3,200.

Paramount (Hamrick-Evergreen) (3,000; 35-40-50) — 'Stayed for Breakfast' (Col) and 'Chan Museum' (20th) (2d wk). Holding to good \$4,000. Last week, 'United Artists' (Parker) (1,000; 35-40-50) — 'Boom Town' (M-G) (2d wk). Nice \$5,000. Last week, great \$6,300.

'Comedy' \$21,000, 'Breakfast' 22G In Bleak L.A.; 'Carson' Dull 16 G, Busse Lifts Orph to Big \$11,500

Broadway Grosses

Estimated Total Gross

This Week.....\$312,100
(Based on 12 theatres)

Total Gross Same Week

Last Year.....\$299,700
(Based on 12 theatres)

ROONEY RECORD \$36,500 IN WASH.

Washington, Sept. 24.

Mickey Rooney's p.a. at the Capitol, Loew's big vaudeur, is walking away with things this week, although his overflows is more than taking care of the opposition. He has appeared here twice before, once in one-day p.a. with Judy Garland and 'Mystery Sea Raider' (L.A.) and again at President's Birthday Ball, and impression he made both previous times, plus his Andy Hardy film rep., busting house record under present price policy.

'Howards of Virginia', held over at Earle, WB, vaudeur, and 'Hired Wife', at Keith's, are battling for second highest takes.

Estimates for This Week

Capitol (Loew) (3,434; 28-39-44-66) — 'Wyoming' (M-G) and vaude. Mickey Rooney p.a. gets entire credit for sock \$36,500, best house has done in two years of present prices. Last week, 'Kildare Home' (M-G) and 'Rimac orch', fair \$15,500.

Columbia (Loew) (1,234; 28-44) — 'Mystery Sea Raider' (L.A.). House experimenting again with first runs and won't beat below average \$3,500. Last week, 'Love Again' (M-G) (2d run) (2d wk), sold \$4,500.

Earle (WB) (28-39-46) — 'Howards Virginia' (Col) (2d wk) and vaude. Entire bill held over for profitable \$13,500. Last week, handsome \$20,000.

Kath's (RKO) (1,830; 39-55) — 'Hired Wife' (U). Critics tepid, but word-of-mouth carrying it toward big \$13,500. Last week, 'Dance Girl, Dance' (RKO), can thank 'Mystery Sea Raider' for hefty hunk of fair \$8,000.

Met (WB) (1,800; 28-44) — 'Stayed Breakfast' (Col) (2d run). Back on mainstem after good week at Earle and will hit nice \$26,000. Last week, 'Sea Hawk' (WB) (2d run), after two weeks at Earle, built to strong \$5,500.

Palace (Loew) (2,242; 39-55) — 'Frank James' (20th). Critics divided this one, but not too roughly. Should get satisfactory \$12,000. Last week, 'Boom Town' (M-G) (3d wk), good \$11,500.

'Howards' and 'Brigham', \$3,500 Each, Lincoln OK

Lincoln, Neb., Sept. 24.

Film siege guns were leveled on theatre row this week, 'Brigham Young' and 'Howards of Virginia' opposing each other a street's width apart. Nebraska U. is open again. Studies registered in 5,300 strong, which is about 300 less than a year ago.

Antelope Park, R. H. Pauley's downtown dance spot, and Capitol Beach, the amusement park, have both closed, which allows that money diversion to celluloid.

Estimates for This Week

Colonial (Monroe-Dent-Westland) (750; 10-15) — 'Golden Trail' (Mono) and 'From City' (RKO), split with 'Made Her Spy' (RKO) and 'Laughing Danger' (Mono). Fair \$800. Last week, 'Fighting Renegade' (Victory) and 'Old Missouri' (Rep), split with 'Law Texas' (Col) and 'Last Alarm' (Mono), ditto.

Lincoln (Cooper-Paramount) (1,503; 10-25-35) — 'Want Divorce' (Par). Not so good \$3,300. Last week, 'Boom Town' (M-G), second week, got only \$2,900 after doing excellent \$2,200 in first week.

Nebraska (Cooper-Paramount) (1,238; 10-20-25) — 'Night Nights' (Par) and 'Divorcement' (RKO) split with 'Captain Lady' (M-G) and 'Saint Omer' (RKO). Both sides light, \$2,100. Last week, 'Cross Country Romance' (RKO) and 'French Tears' (Par), split with 'Waterfront' (WB) and 'Gold Rush' (M-G), good \$2,700, thanks to 'Maidie'.

Stuart (Cooper-Paramount) (1,884; 10-25-40) — 'Brigham Young' (20th). Doing fair biz, probably \$3,500.

Los Angeles, Sept. 24.

(Best Exploitation: State)

First-run biz is mostly on the skids currently and total take for the town will be way below normal. Wendell Wilkie visited the town Thursday (19) and in addition to drawing considerable of a mob to the Coliseum, had many radio listeners so that bottom dropped out of most of the filmities on that night. Just what test of decline may be attributed to is hard to state.

Among the newcomers, 'He Stayed for Breakfast' and 'No Time for Comedy' will receive big returns. 'Kit Carson' is playing to low biz at the State and Chinese, and the Paramount dipped to one of its lowest takes of the current season.

Orpheum has Henry Busse, and orch on stage, plus the Dead End Kids and looks headed for fine \$11,500. Stage show is setting house back at least five grand.

Loew's State made a bid for patronage for 'Kit Carson' by having a ballyhoo of Indians in the lobby. Newspapers also contributed by giving breakfast to Henry Busse on the occasion of his 50th anniversary on stage and screen, but the exploitation is not helping the boxoffice to any appreciable extent.

Estimates for This Week

Carthay Circle (F-WC) (1,518; 30-44-55) — 'Great Profile' (20th) and 'We Are Young' (M-G). House reverted to grind policy for this pair, but meagre \$2,000 not much encouragement. Policy will be continued until suitable roadshow attraction is booked.

Chinese (Grauman-FWC) (2,024; 30-44-55-75) — 'Kit Carson' (UA) and 'Golden Fleeing' (M-G) dual. Miserable \$6,200 despite active campaign. Last week, \$11,500.

Downtown (WB) (1,800; 30-44-55) — 'No Comedy' (WB). Looks like mild \$10,000. Last week, 'Flowing Gold' (WB) and 'Calling Husbands' (WB), weak \$7,100.

Four Star (UA-FWC) (900; 30-44-55) — 'Pride Prejudice' (M-G) (6th final wk). Final week, \$10,000, six days, with fair \$1,700 in sight. Fifth week ended with \$3,000 in sight.

Hawaii (G&S) (1,100; 38c-\$11.00) — 'Golden Trail' (Mono). End of Hollywood exclusivity near. Biz on sixth week dipped to just over \$4,000 mark, but still highly profitable for house and distributor.

Hollywood (WB) (2,758; 30-44-55) — 'No Comedy' (WB). Running ahead of its downtown day-date, with lucrative \$11,000, prospect. Last week, 'Flowing Gold' (WB) and 'Calling Husbands' (WB), very poor \$5,000.

Orpheum (B'way) (2,200; 30-44-55) — 'Love, Honor and Ours' (1st run). 'You're Not Tough' (U) and stage show. Combination of Henry Busse and Dead End Kids in stage show and a first-run pic in leading house for neat \$11,500. Last week, 'Western Stars' (Par) (1st run) and 'Country Romance' (RKO), topped \$7,500.

Palms (Paramount) (2,612; 30-44-55) — 'Stayed Breakfast' (Col) and 'Dr. Christian Women' (RKO). Looks like big \$11,500 and holds. Last week, 'Lucky Partners' (RKO) (2d wk) and 'Maidie' (Col), okay \$7,000.

Paramount (F-WC) (3,044; 55-75) — 'Argentine Nights' (Par) with holdover of 'Want Divorce' (Par) and Merry Maes from radio. Heading stage, \$11,000, considerably strong magnet, and weak \$13,000 best to offer. Last week, 'Want Divorce' (Par) with Orrin Tucker-Bonnie Baker on stage, nifty \$30,000.

RKO (RKO) (2,872; 30-44-55) — 'Stayed Breakfast' (Col) and 'Christian Meets Women' (RKO). Should hit comfortably \$10,500. Last week, holdover of 'Lucky Partners' (RKO) with 'Maidie' (U) added, very good \$7,600.

State (Loew-FWC) (2,414; 30-44-55-75) — 'Kit Carson' (UA) and 'Fleeing' (M-G). Biz considerably shot and best in sight is fair \$10,000. Last week, 'Profile' (20th) and 'We Young' (M-G), without at \$2,000.

United Artists (UA) (2,100; 30-44-55) — 'Great Profile' (20th) and 'We Young' (M-G). Okay moveover for around \$3,400. Last week, 'Brigham Young' (20th), topped \$3,100, fair.

Wilshire (F-WC) (2,296; 30-44-55) — 'Brigham Young' (20th) (2d wk). Holdover bringing around \$3,400, after first week continued run piled up lucrative \$5,600.

Last week 'Sea Hawk' (WB), mighty nice \$4,100.

Variety (Dent-Westland) (1,000; 10-20-25) — 'Before Hang' (Col) and 'Sued Label' (RKO). Likely action stuff for \$2,000.

Last week, 'Gang Chicago' (Rep) and 'Haunted House' (Mono), split with 'Lost Horizon' (Col) and 'Awful Truth' (Col) (reissues), excellent \$3,900 in eight days.

Varsity (Dent-Westland) (1,100; 10-25-40) — 'Howards' (Col). Getting \$3,500 at most, o.k. Last week, 'Doctor Wife' (Col), okay \$3,500.

Saenger Circuit's Reshuffling Of Late; Many Younger Staffers

Dotting its circuit with younger men and weeding out numerous old-timers, Saenger has installed a new rule concerning discharge for cause of any employee on its payrolls. In order to maintain a closer check on managers and others in the theatres, they now must also report themselves out for lunch or other purposes when leaving the premises. Too much afternoon golf blamed.

Old as well as new employees of the circuit, are being asked to sign a paper agreeing to the fresh regulations laid down in the event of discharge. If not with the circuit six months, it is agreed that no notice is required from Saenger. Anyone on the payroll over six months is to receive a week's notice if being dropped.

Howard McCoy, Maurice Barr, Jack Meredith, Fred Stearns, Harry Rice and others long in executive capacities with Saenger are no longer with the circuit, some being recent departees. McCoy is on the coast associated with Ben Piazza, RKO studio executive.

Meredith has gone into the insurance field while Barr, who during the past year was in the hospital several months, is dabbling in insurance as well as real estate in the New Orleans territory. Stearns is in Florida, but not in show business, while Rice is now in the newspaper business in Mississippi.

MION & MURRAY OPEN 3 HOUSES IN 1 WEEK

Atlanta, Sept. 24. Mion & Murray, Friday (20) debuted their No. 2 nabe house, Little Five Points theatre, on Euclid Avenue, with proper fanfare.

Same outfit last week dedicated its Decatur theatre, in nearby Decatur, virtually a suburb of Atlanta. New house in East Point sector skedded to bow this week.

All three of these houses are 750-seaters and cost about \$75,000 apiece. Proceeds from dedicatory program of Little Five Points went to Imman Park Women's Club's clubhouse fund. Incidentally, this house is right next door to Lucas & Jenkins Euclid, new house near dedication stage. L. & J. also operate Palace, just a stone's throw from both these houses.

Mion & Murray operate Rialto, downtown indie and outlet for Columbia product here.

Colon's Addition

Washington, Sept. 24. Second modern film house is projected at Colon, Panama, where American soldiers and sailors on duty at Canal Zone bases play. Report from Commerce Department Representative A. B. Sowell says arrangements have been completed for \$100,000 venture to be jointly financed by Dr. Augusto S. Boyd, president of the Republic of Panama, and a prominent Panama City business man.

House will be air-conditioned with capacity of 1,800, located on the fringe of the area recently devastated by fire.

New House in S. C.

Spartanburg, S. C., Sept. 24. Wilby-Kinney plans to build fourth house here, a large and modern first run theatre. State, one of W-K locals, now showing first run films, will become second run house when new layout is completed. Other W-K theatres are Carolina and Strand. R. B. Talbert is city manager.

M. W. Cantrell, former assistant manager, State, resigned to join state highway patrol.

Bill Blackwell, former assistant manager, Carolina, resigned to enter banking.

City fathers thumbs down on move, broached by realty concern, to build second Negro house here. City has one such theatre. White theatres have Negro balconies. Council doesn't want too many night gathering places uptown for black belt crowd.

Paul Ballenger named assistant manager of Carolina.

Stern's Acquisition

Detroit, Sept. 24. Site for a new theatre in Rochester, Mich., near here has been purchased by Charles L. Stern, owner of the town's Avon. New house will be a 1,000-seater.

1-5 Years for Stickup

Sheboygan, Wis., Sept. 24. John Zuzek, Milwaukee salesman, who made an appointment with Les Schuessler, manager of the Majestic here, to see him regarding a watch alleged to have been lost in the house, then at the point of a gun, robbed the safe of \$500, was sentenced in circuit court here to one to five years in the Green Bay reformatory after pleading guilty.

Lloyd Lawrence, Muskegon, Mich., who aided the getaway, got one to two years as an accessory.

PIX LAY PLANS FOR R. C. DRIVE

Major L. E. Thompson, general chairman of the Motion Picture Theatres Campaign Committee for the American Red Cross, has outlined plans for the industry's full participation in the Red Cross drive this year. The Red Cross has requested the cooperation of the film industry, especially picture theatres in all parts of the nation, to assist in increasing membership of the organization.

Thompson stated plans for the drive have been worked out by the theatre committee designated to organize and direct the campaign in collaboration with Red Cross officials. Red Cross depends on this drive as main source for all activities.

2D SWING TO O.O. PAR THEATRES IN THE WEST

A second check to tighten up operation in the far west and extreme southwest where Paramount is interested is being made by Leonard Goldenson and Sam Dembow, Jr., h.o. theatre executives. They left Friday (20) and will confer with partners and operators in the Arizona territory, Salt Lake City and the Pacific Slope, latter involving houses that are under operation by other circuits.

Policies for the coming season, budgets, etc., are also to be taken up where Par is directly concerned in operation.

Leon Netter, h.o. Par theatre exec, Bob Weitman, managing director of the N.Y. Paramount, and Charles Burton, maintenance-construction executive, leave tomorrow (Thurs.) for Philadelphia to inspect the Par-owned theatres involved in the Warner pool in that key and to go over policies with WB under the pooling.

Taylor as 'Billy the Kid'; Hughes' Bad Man Pic, Too

Hollywood, Sept. 24. Two films based on the legend of Billy the Kid are in preparation, one by Metro with Robert Taylor as the gun-toter, and the other by Howard Hughes, with a different twist.

The Hughes indie production, to be directed by Howard Hawks, is built around a new theory that 'Billy' is still alive.

And Still in the Dark

Hollywood, Sept. 24. 'Footsteps in the Dark' goes back into the mill for another rewrite job at Warners. Assigned at various times to Edward G. Robinson and Errol Flynn.

Robert Lord, associate producer, is assigning new writers.

New Kind of Payoff

Hollywood, Sept. 24. Ann Sheridan and George Brent team up for the romantic roles in 'The Bride Came C.O.D.' at Warners.

William Keighley is slated as director and Jules and Phil Epstein are scripting.

Price Tilt

Continued from page 5

on a big picture they ask why don't you lower the price on a smaller picture?

At Metro it was suggested that WB's lack of success in upping admission on certain pix was the cause of Bernhard's dissatisfaction with the whole idea.

'Danger in raising prices for certain films,' a Metro topper declared, 'is not in what Mr. Bernhard pointed out, but in doing it on pictures which can't take it. There's always the tendency of other companies, seeing the success of Loew's or some other distributor in raising admissions to decide to raise them on pictures of their own. But the picture they try it on isn't sufficiently strong and they get stung. The danger, of course, is that the public also gets stung and it puts a black eye on the whole idea. There's nothing wrong with the scheme of raising prices on a few pictures which merit it, which has been well demonstrated by the few complaints we have received on 'Boom Town.'

Par Seeks Tilt for 'Mounties'

Falling in line with other major distributors in setting playdates on higher-budget pictures warranting increased admissions, though sold without that proviso under the regular program, the Paramount sales department is contacting its accounts with a view to persuading them to up the boxoffice scale for 'Northwest Mounted Police' when ready.

Having reached a decision to seek higher returns for both itself and the exhibitor by dating 'Mounted' at higher prices, Neil F. Agnew, general sales manager, is feeling out major accounts to determine reaction and the amount of increase. Pending completion of this groundwork, Par has not itself set any percentage of increase to shoot for, as other majors have.

'Mounted' goes to the Par accounts under the 1940-41 contracts as a top-bracket release, but rental terms are not increased under the plan to attempt better grosses through a tilt at the b.o. Any account may have it at the stipulated contract terms without the necessity of increasing admission, but, as in the case of some recent films, 'Boom Town' being an example, the average exhib leans with the distrib in the direction of trying to get more from the public than for the ordinary run of film.

The Cecil B. deMille production, costing \$1,600,000, will world preem in Regina, Sask., Oct. 21 and, during the following week, go into pre-release dates in other Canadian cities as well as keys in the U. S. So far only the Chicago, Chicago, among domestic runs, is set, this being Oct. 25.

Print of the picture was taken to Canada last week for special screenings in Toronto and Ottawa.

In addition to the Chicago date which has been set, agreement has been reached with Par to play the picture at increased scales in San Francisco, Los Angeles, Minneapolis, Portland, Ore., Kansas City, Milwaukee, Louisville, Youngstown and Portland, Me.

The proceeds of the five-theatre world preem of 'Mounted' at Regina will be turned over to the Royal Canadian Mounted Police to be used for buying field ambulance equipment. This decision was reached by N. L. Nathanson, president of Famous Players-Canadian which operates the Regina houses.

'Boom Town' Cues M-G To Solo, Tariff-Tilt Other Film

Hollywood, Sept. 24. As a result of brisk business done by 'Boom Town,' Metro sending out two more pictures as single bills at upped admission prices and is scanning the production schedule for more films to be distributed under the same plan. Ready for early release as single features on the advanced price basis are 'Strike Up the Band,' the Mickey Rooney-Judy Garland co-starrer, and 'Philadelphia Story,' toplining Katharine Hepburn.

W. F. Rodgers, Metro sales chief, is arranging heavy selling campaigns for 'Band' and 'Philadelphia,' originally slated for distribution as part of the regular program. Rodgers is responsible for the 70% take on 'Gone With the Wind' and the upped admissions on 'Boom Town.' Special handling of higher priced picture, he contends, is the only way to overcome the shortage of foreign returns.

RKO's Experiment: Spot the No. 1 Film Feature Earlier on Dual Bills

'Ninotchka' Suit

Stephen Tamas, author, filed suit Monday (23) in N. Y. supreme court against Metro and Loew's, Inc., for damages alleging plagiarism of his play, 'Moscow, Paris and Return.' He charges that he submitted his story to the defendants, who used it as the basis for 'Ninotchka.'

Suit is revealed by an application for an Oct. 7 trial.

7 RIDE PROD. CREST AT U

Hollywood, Sept. 24. Production reaches high tide at Universal next month with seven pictures in work, led by the Deanna Durbin feature, 'Nice Girl,' to be directed by William A. Seiter.

Others on the production list are 'Back Street,' 'The Invisible Woman,' 'San Francisco Docks,' 'The Black Cat,' 'The Trail of the Vigilantes' and a serial, 'Riders of Death Valley.'

On the Move at WB, Too. Seven features go into production at Warners in the next month, one of the busiest autumn booms in years at the Buynak plant. In addition to the features, there will be six shorts before the lenses.

'Carnival' starts off the parade Sept. 28, to be followed next day by 'Trial and Error.' 'Hard Luck Dame' and 'Church Mouse' roll Sept. 30, followed a week later by 'One Sunday Afternoon.' Two more, 'The Fabulous Thirties' and 'Three Strangers,' go before the camera Oct. 15.

20-Fox Buys

Continued from page 7

of his book, 'The Last Frontier,' published last fall.

Author Duane Decker disclosed himself last week as the industry's first writer of reversible titles. Paramount is buying his 'The Bride Went West' and Universal 'The Groom Goes East.' Charles O'Neill collaborated on the latter. The two yarns have no similarity, it is said.

Decker's first at turning a title was demonstrated some months ago, when Republic paid \$500 for a magazine story he wrote merely to use the label. It was 'Sing, Dance, Plenty Hot.'

Considerable interest from both film and legit producers has been evoked by a novel published last Friday (20). Labeled 'The Family,' it is by Nina Fedorova. It won the annual \$10,000 prize offered by the Atlantic Monthly mag.

Par After 'Promised Land'

Meridian, Miss., Sept. 24. Hollywood sources, believed to be acting for Paramount which has displayed interest in the rights to his recent book, 'Oh Promised Land,' were trying to get in touch with James Street here last week.

From this part of the country, Street is due in Meridian this week or next. He is presently at Natchez, Miss., on a six months' job to turn out a story about that historic spot.

Other Story Buys

Hollywood, Sept. 24. Columbia purchased 'The Doctor's Husband,' by Dalton Trumbo. Stephens-Lang bought Lee Loe's 'Prodigy.'

Arthur T. Horman sold his 'Obliging Young Lady' to RKO.

Warners acquired 'The Bride Came C.O.D.' by Kenneth Earl and M. M. Musselman.

Ring Lardner, Jr., and Fritz Rotter sold 'She Was His Boss' to Metro.

Butler Finds Out

Hollywood, Sept. 24. 'Blood Will Tell,' David Butler's next producer-director commitment at RKO, is scheduled to start Nov. 1. Picture follows his current RKO job, 'You'll Find Out,' which winds up its shooting schedule next week.

JORY CLIFFER HERO

Hollywood, Sept. 24. Victor Jory plays the title role in the cliffhanger, 'The Green Archer,' to be produced by Larry Darmour for Columbia release.

Production starts Oct. 7, James Horne directing.

Adoption of the policy in other RKO theatres and possibly over the entire circuit will be determined by the experiment to be conducted at the 86th St., New York, where beginning tomorrow (Thurs.), RKO will schedule the dual bill so that the main feature will go on first instead of last.

The idea is to have the double bill there for those who want it, but to throw in the top picture at approximately 9:30, the No. 2 feature, to follow later, so that audiences having no interest in the latter may avoid it.

Because the audiences in the vicinity of the 86th St. differ considerably in tastes, this theatre was chosen for the test of whether the majority wants duals or singles. A canvass of the territory on likes and dislikes concerning twin bills has been made by Emil Groth, manager of the 86th, as a forerunner of the experiment to be made.

Virtually all theatres schedule their last shows where doubles played by putting on the No. 2 feature at around 9 or 9:30, with result the main feature does not go on until 10:30 or thereabouts. Thus, at the 86th starting tomorrow (Thurs.), and continuing every night thereafter, people who are interested in the top feature may come in to see that at 9:30 or thereabouts, and be out by 11 or shortly after.

For some time distributors have looked askance upon 'bad-taste' scheduling of the top features which, it is maintained, has kept many away from the theatres entirely because they didn't want to sit through sub-features in order to see the picture in which they were interested.

RKO officials will watch the results of the plan at the 86th carefully as a means of determining future course.

GROVER JONES DIES IN HOLLYWOOD AT 52

Hollywood, Sept. 24.

Grover Jones, 52, whose career as a film writer dates far back into the silent picture days, died yesterday (Tuesday) in Hollywood following a kidney operation. He had been active up to his final illness six weeks ago, rating as one of the industry's best-known writers. He had completed the first draft of Harold Lloyd's 'Three Girls and a Gob' just before entering the hospital.

Jones started in the film industry as a creator of art titles in early silent days. He later turned to gag writing for Vitaphone comedies and directed more than 100 comedy shorts, most of which he wrote himself. Ten years ago he went under contract to Paramount, serving that studio as a writer for a number of years.

He was a prolific contributor to popular periodicals like the Satevepost, Colliers, etc. Much of his scripting was done in collaboration with William Slavens McNutt, but in later years they worked alone.

Finale to '5th Column' Suit by Play Authors

Ernest Hemingway, Benjamin Glazer and the Theatre Guild, Inc. suit against Film Alliance of the U. S., and the Midtown Theatre Corp., ended in N. Y. supreme court yesterday (Tues.) when the defendants agreed to the entry of a judgment against them, periphrastically joining them from the use of the title, 'The Fifth Column,' any derivation of the title. An injunction against the use of the title by the defendants had been granted in July.

Suit charged that the defendants has acquired a British film, 'Spies of the Air,' changed its title to 'Fifth Column Squad,' and planned to exhibit it at the Rialto theatre, N. Y. Hemingway is the author of a story called 'The Fifth Column' which was adapted for the stage by Glazer and presented by the Theatre Guild. It was claimed that unless the defendants were prevented from using the title, its value for films, estimated at \$150,000 would be lost.

One of Leading S. American Cities for American Performers

By RAY JOSEPHS

Buenos Aires, Sept. 24. — Buenos Aires, one of the most important cities in South America, is a territory that has been tried and successful by such big names as Arturo Zucchi and Heite. True, they are famous. But those who know that there is much to be in the proper arrangements of the city. In Santa Fe (pop. 100,000) there is an organization as the Friends of Art which arrange visits of touring artists, a rich city of 800,000, has a known as El Circulo, which 1 concert, arrange art shows and conferences. Bahia has a cultural association hires artists for a fixed fee or on a commission. de Janeiro, the capital and of Brazil, is probably best to the U. S. show world because of the large number of tourists. Rio de Janeiro, the leading theatre and corresponds to the here. It was recently turned over to Silvio Piergill, a former conductor, who will act as producer. But uniplicity must okay every U. S. showmen must bear in that South American officials are pretty well up on musical theatre activities, particularly former, and often exercise strong influence one way or on selection of talent. ent-setup does not provide for permanent orchestra or much of a staff. A ballet is formed for events and dramas are given house. There are no operettas in Rio.

Legal Gambling in Argentina

is being killed off practically the legit shows in Rio. The night clubs which cater to the g. aremen and the monied put borate floor shows with U. S. All operate on gambling and therefore can afford the Argentina does not permit gambling, save at Mar Del seaside resort, and then only on.

Copacabana is the "largest most elaborate Rio spot. The tico and Urca are on a importance. All play the best, J. S. talent in U. S. dollars, y as in New York, and don't re the performer to do any pushing. They charge a mini- of 25 millars (\$1 U. S.), a h for two whiskies. This is a keep out of the riff-raff. The o Asyrrio, located in the base- of the Municipal theatre, is a oint which employs no foreign

indication of what the casinos can be found in this list of the nt season highlights: Mills ers, Marta Eggert, Tito Guizar, wood Co-Eds to jitterbug-style team), Stan Kavanagh, juggler; Don and Dinah, knockabout y outfit. has no name bands. In the it has drawn on U. S.-type ean outfits which usually led pretty poor. Hungarian, n Austrian outfits were id off as the genuine product, r known as the Singing has been touring in South ica for two years, giving their version of the Andrews Sisters' of melody.

(Continued on page 52)

SSERI'S \$6,000 PAY IT VS. 20TH-FOX FILM

suit by Marion Palmer, as se- of Moe Messeri, formerly gen- manager in Spain and Portugal 20th Century-Fox Film Corp., st-the film company, was re- d yesterday (Tues.) in N. Y. me court, when Saul E. Rogers, ny for the plaintiff, asked the to dismiss a counterclaim by Fox. Action seeks damages of \$6,000, claiming failure to pay salary. sseri was receiving one-third of alary in Spain and two-thirds being deposited in a N. Y. bank im. When he returned to the in May, 1940, complaint alleges, discovered his salary had not deposited in N. Y. since Sep- er, 1939. 20th-Fox has entered leral denial, and claims Messeri employed by its Spanish subsidi- and not directly by the company.

Mono's British Deal

Hollywood, Sept. 24.

Monogram has hooked up with Alliance Film for the distribution of productions made in England by Associated British Pictures Corp.

'The Outsider' co-starring George Sanders and Mary Maguire, is the first picture under the deal. Second is 'Chamber of Horrors,' with Leslie Banks and Gina Malo.

LONDON CURBS PIC PROD. COIN

London, Sept. 10.

Pulling no punches, select committee on National Expenditures delivered the old one-two at film section of government's ministry of Information, turning in a list of recommendations for future operation that leave seemingly no doubt of an eventual clampdown on free and easy methods of erstwhile pic-production group.

Committee's report would establish a hard and fast program for the ministry's films end, and hints rather obviously at restrictions curtailing its powers to give go-aheads on projects not strictly economical. Smack is interpreted here as aimed at '49th Parallel,' costly propaganda effort on a government subsidy and now in work on exterior in Canada. The info bureau acted on '49th' on its own initiative, a move Select Committee would now nix by setting the Treasury or some other department as watchdog on the coin end. One phrase in the report is ringing through the trade on a laugh, that the M. of I. 'should not try to discover subjects for commercial producers to use.'

It would seem likely that propaganda features will in future fill a larger niche on indie producers schedules if committee's report is taken up. Idea is for M. of I. to see a definite proportion of national value that pics have in the average production list.

'Major Barbara' Filming By Pascal Stalled By Air Raids

Delayed cables from Gabriel Pascal in England during the past week reveal that air raid alarms are 'causing us to get nowhere fast' on completion of the few remaining sequences of 'Major Barbara.'

'Every time we get the camera and players set up and are ready to shoot, we must race for air raid shelters,' the producer cabled. Earlier in the aerial warfare, the staff was disregarding the warning sirens and continuing work in sound-proofed rooms, but numerous buildings have been hit in the area of the Denham studios, about 30 miles from London, where Pascal is working, and it is no longer safe.

Even so the screaming warnings are occasionally being disregarded, cables reveal, by no less than George Bernard Shaw, author of the story which Pascal is filming for United Artists release. After seeing the completed portions of the pic, Shaw agreed to appear in a trailer and speak for it—a large-size concession. He refused to duck into the shelter when an air raid alarm sounded while he was doing his stint of ballyhoo.

Pascal originally intended coming over with the completed negative Sept. 1, but some weeks ago postponed this to Nov. 5, which may again have to be pushed back in light of recent attacks. He's taking no chances on having the negative ruined by a bomb, however, as the uncut product is being clipped to the U. S. in batches as it is completed.

Cables, which ordinarily arrive the same day as sent, have been taking four days. They are to Marian Baldwin, Pascal's p. a. and biz rep, who came to the U. S. about six weeks ago.

MULLEN'S H.O. WB CONFAB

Joseph Mullen, Warner Bros. manager for Mexico, arrived in New York Monday (23) for home office confabs. Mullen will be in N. Y. for about two weeks.

More Foreign Taxes Threaten Film Revenue of American Cos.

Japs Purge 2 Groups For Socialistic Trend

Tokyo, Sept. 1.

Purge by police of all Japanese theatrical enterprises in Japan which have socialistic leanings resulted in the disbanding of two large theatrical companies in 'Tsukiji Ward, Tokyo,' of their own volition.

The two dramatic groups, Shinyo Gekidan (New Cooperative Troupe) and the Shin-Tsukiji Dramatic Co., which have been producing 'plays for the masses' for a dozen years or more, have had societies all over the country, with over 3,000 backers and important patrons in Tokyo alone.

U. S. Exhibs Held Responsible For 'Too Much Value'

Plans are being made to begin operation in this country by Loet Barnstyn, who, before Hitler's invasion, was one of the most important producers, distributors and exhibitors in Holland. Barnstyn came to the United States in May on a regular business trip, arriving in New York on the day the Nazi army marched into the Low Countries.

Barnstyn declared last week that he has no intention of returning to Holland, although his wife and two married daughters are there. He has had occasional letters from them, all heavily censored, but has no knowledge of what has happened to his film empire. He is Jewish.

What branch of the industry he will enter in the U. S., the short, rounding, impeccably-dressed film magnate hasn't yet determined. He said he is 'looking them all over' and will soon decide. He intends going to Hollywood shortly to gender the production scene. His brother, Jack, has been in the U. S. for a number of years representing him and also importing and exporting film on his own.

Least likely, Barnstyn believes, is his entrance into exhibition, which he feels has been reduced to a low state in the U. S. by 'overworked competition.' Barnstyn opines there are three things wrong with picture retailing in America:

1. Admissions are too low.
2. Double features and a general tendency to put too much material on bills.
3. Bank nights, games and giveaways.

'American theatres are giving too much value for the money,' the Dutch film man declared, 'which is a sure sign there is something wrong.'

In the film industry for more than 30 years, Barnstyn had, until the Nazi invasion, been United Artists' rep in Holland from the time of the company's formation 21 years ago. His Film Distributie handled this product, while another outfit which he operated, Standardfilms, for the past four years has repped Columbia. Prior to that he had handled Vitagraph, Essanay, Edison, Lubin, Goldwyn, Metro, Paramount, Fox, Warner and RKO pictures.

Odeon Takes Over 4 British Par Theatres

London, Sept. 10.

Report here indicates the four remaining Paramount houses this side are due for signing over to Odeon chain interests.

Theatres concerned are in London, Birmingham, Liverpool and Glasgow, and were not part of the Odeon takeover of November last.

Japs Favor 'Stagecoach'

Tokyo, Sept. 1.

The most popular imported film in Japan, far this year, has been 'Stagecoach' (UA). 'Stand-in,' also UA, is the only film released here recently.

With the absence of import permission, local exhibitors are in a quandary.

Additional tax problem now coming up on American pix in all parts of foreign territories remaining involves tap on producer's share of income. Argentina is a case in point, with United Artists now in litigation there over the question. Rep of the Argentine government is presently on his way home after visit in N. Y. in an attempt to work out a formula.

Each distributing company has a subsid corporation in each foreign country. Formerly these corporations took out their charges and remitted the remainder of income to the home office, paying tax only on their share. Now various countries aim to levy a nick on the portion sent to the U. S.

Finding objections to no avail in most cases, distributors are maintaining there are production charges to be written off this exported coin before tax should be levied. Argentina originally set a sock of 5% of 50% of the producer's share as its take. UA put up a court fight and lost, but is presently appealing. Then the Argentine legislature upped the tax to 5% of 100% of the producer's share. Now UA is seeking to work out a formula to get back to the original 5% of 50%.

Japanese Would Woo Good Will Of Americans Via Pix

Japanese propaganda, in the form of films, is certainly low enough to understand Hollywood product, is being offered as a bait to motion picture houses throughout the United States. While the Nippon government is tightening its restrictions on American-made films, and freezing the money of U. S. distributors, the Tokyo boys are putting on a drive to establish a friendly feeling toward Japan on this side of the Pacific, and at the same time to make the customers pay for it.

It is an Oriental method of propaganda, more ingenious than that of Adolf Hitler in 'South America,' where Nazi propaganda pictures are provided free of charge and, in some cases, are accompanied by financial bonuses to the exhibs who project them. The American campaign is handled by H. Manake, managing director of Asahi Eiga, a distributing outfit in Tokyo. Offering entertainment at 'only a small fraction of what you are accustomed to pay for your films,' Manake goes on to explain, 'the pictures we furnish are not only of travels, but also of short subjects, cultural and educational. They are selected and prepared to fit the likings of your people, and in the language they would understand. All you have to do is put them through your projector and watch the thrill on the face of your audience.'

VISA DELAY SNARLS LAWRENCE, LANGE

Proposed visits abroad of Ludwig 'Laudy' Lawrence, Metro's European manager, and Fred Lange, Paramount's managing director in Europe, to liquidate business in several European countries taken over by Hitler, have been indefinitely delayed because of inability to get visas from either Portugal or Spain. Both have their passports and are anxious to get started back.

Lawrence was scheduled to hop off from N. Y. by Clipper nearly two weeks ago. Lange planning to start immediately afterwards, but the delay is caused by the fact that the Clipper stops off in Lisbon, Portugal, and Spain must be traveled into for the trip to the continent.

Several other majors want to wind up their affairs in Germany, Holland, Belgium, part of France and also Norway, that the Nazi government has ordered them to halt distribution in these nations. Bulk of this work likely would be carried on from Lisbon and Vichy.

Brenner in N. Y.

Richard Brenner, Metro's manager in Chile, arrived in New York Monday (23) on one of his periodical visits to the home office.

Now she's
ROMANTICALLY yours!

The girl you knew... is now a lady in love—a daring, dancing, musical lady just entering the most significant phase of her career—just ready to exert the fullest magnitude of her unprecedented appeal on the hearts of the American people!



Jeanne
DURBIN

in
Spring Parade

A HENRY KOSTER PRODUCTION

with

ROBERT CUMMINGS • MISCHA AUER

Henry Stephenson • Butch & Buddy • Anne Gwynne
Walter Catlett • S. Z. Sakall • Samuel S. Hinds
Allyn Joslyn • Reginald Denny • Franklin Pangborn

Original Story by Ernst Marischka

Screenplay by Bruce Manning and Felix Jackson

PRODUCED BY
JOE PASTERNAK

DIRECTED BY
HENRY KOSTER

A UNIVERSAL PICTURE

**NATIONAL
RELEASE
SEPT. 27**



ALBANY • ASHEVILLE • COLU

CINCINNATI • CANTON • WI

EL PASO • MEMPHIS • NEW

NEW HAVEN • BRISTOL

PHILADELPHIA • WASHINGTON

ATLANTA • EAST

JOHNSTOWN • SPRINGFIELD

DANBURY • NORWICH • LIMA

THE NEW WARNER CONQUEST!

JAMES

ANN

CAGNEY • SHERIDAN



CITY FOR CONQUEST

with
 FRANK CRAVEN • DONALD CRISP • FRANK McHUGH
 George Tobias • ARTHUR KENNEDY • Jerome Cowan
 AN ANATOLE LITVAK PRODUCTION
 Screen Play by John Wexley From the Novel by Aben Kandel
 Music by Max Steiner • A Warner Bros. First National Picture

Broadening 10% Tax Base to 21c Means Additional \$2,000,000 to U.S.

Washington, Sept. 24. Lower-bracket film houses appear to be worth around \$2,000,000 to Uncle Sam—for admission tax purposes. Broadening of the base of the 10% bite, which became effective July 1 when the starting point of the levy was moved down from 41c to 21c, swelled the treasury's take by approximately that amount.

While some of the rise may be due to general business pickup, the first collection figures since the emergency war scale was imposed in order to raise Federal revenue for defense purposes indicate that the hundreds of neighborhood and downtown second run theatres handle about the same volume of business as the deluxe palaces with the carriage trade.

In August, the U. S. Treasury pocketed \$4,407,097 from the levy on ducks for all forms of commercial entertainment. This was \$2,018,166 more than ever raked in before from this source. Maximum sum recorded in the past was \$2,390,931 paid to the Government in March this year. More significantly, the take has touched or topped the \$2,000,000 level only seven times since the rates first were hiked back in 1932.

There is no proof that the immense increase comes from the nabes and second-runs but tax experts cannot think up any other important type of amusement which would yield such a sum. (Breakdown on the branches of the amusement business is made up only for the annual report of the Internal Revenue Bureau, out around the end of the year.) It is well known, however, that a high percentage of the grab comes from film boxoffices and there is no unpeeped source of substantial proportions except the picture houses which originally had scales below the starting point.

As a result of the stiffer levy, the Government's collections in August mounted \$2,893,629 over the prior month and were \$2,756,935 fatter than the take for the same month of the preceding year. Bringing the running total for eight months to \$17,225,087, which is nearly as much as the treasury pocketed in 11 months last year. Because of the jump, the eight-month figure for 1940 is \$5,021,145 ahead of 1939.

Impact of the tougher tax is emphasized most by comparison with what the United States got from amusements during the darkest depression days. The August grab was more than the total collections in the first quarter (January-March) in 1933, 1934, 1935 or 1936.

RESERVE DECISION IN SUIT VS. ELECTRICS

An application to dismiss a consolidated stockholder suit against American Telephone & Telegraph Co., Inc., Western Electric, Electrical Research Products, Inc., Westinghouse Electric, and Victor Talking Machine Co., resulted in a reserved decision Friday (20) in N. Y. supreme court Justice Bernard L. Schientag. The application was brought after futile attempts to settle the action since last May.

Suit seeks alleged damages of \$270,000,000, with a \$10,000,000 loss being charged to RCA's investment in RKO, and the balance in purchase of alleged worthless patents from Westinghouse, and the electric companies. Losses through investments in Victor end the charges. Some 20 odd officers and directors of RCA are also named and asked to account. Dismissal was sought on grounds of failure to state a cause of action, and an attempt was made to invoke the statute of limitations.

Old West Goes Modern

Hollywood, Sept. 24. Old western streets on the Republic lot, scene of many a six-gun battle, is getting its face lifted, indicating a more modern trend in outdoor yards. Ancient barrooms and weather-beaten shacks are being replaced by more up-to-date structures.

Bigger Corral for Sherman

Hollywood, Sept. 24. Harry Sherman required so much more room for his hoss dramas that he had to move from his cramped quarters at General Service to the B. F. Schulberg studio, where he will produce an expanded program, including five features in addition to the regular quota of Hopalong Cassidy.

Bill Boyd's 'Hopalong' go back into production next week when 'Doomed Caravan' starts galloping again.

Wis. Theatre Labor Switches; Seeks More Coin as B. O. Biz Ups

Milwaukee, Sept. 24. Pickup in business in local theatres during the past few weeks as the result of industrial plants booming with war orders has evidently caused a change of heart on the part of Milwaukee members of the Wisconsin State Association of Stage Employees and Projectionists who at their annual convention in Janesville, Wis., only a month ago decided to 'permit wage scales and working conditions to remain as is.' Now they're ready to switch.

Harry Perlewitz, business manager of the Independent Theatre Protective Association of Wisconsin and Upper Michigan, as well as individual members of the organization, have been notified in a virtual ultimatum that adjustments must be made by Oct. 6, or else. Both projectionists and maintenance employees are involved.

With many of the houses, particularly the nabes, struggling for existence this past year, the unions some months ago granted relief to many of them, reducing wages 12% to 15% and in a few instances as much as 20%. Now that there's a little activity at the boxoffices again, the unions want things restored to their former status in some cases, and a little bit besides in others.

Busy with preparations for their own annual state convention at the Hotel Schroeder here on Wednesday and Thursday of this week (25-26) the indie ops have thus far been unable to get together with the union chiefs, who evidently are stalling until the 11th hour to force a favorable settlement.

NEW CO-TRUSTEE SET FOR FOX THEATRES

Leopold Porfino is now co-trustee of the assets of Fox Theatres Corp., under a plan of liquidation of the company, replacing Milton C. Weisman, resigned. Federal judge Samuel Mandelbaum in N. Y. approved the appointment of Porfino Friday (20), and he was immediately bonded for \$25,000 by the Casualty Insurance Co.

Weisman and Kenneth P. Steinreich were appointed trustees in liquidation by former judge Martin T. Manton in 1939. Weisman resigned last week.

Fox Theatres Corp. was under Weisman's supervision as trustee for several years after it filed a bankruptcy petition, but assets of over \$35,000,000 had dwindled to less than \$100,000 and liquidation was decided upon as the best course.

He'll Know Whodunit

Hollywood, Sept. 24. Ellery Queen started his career as a screen sleuth yesterday (Mon.) with Larry Darmour rolling the first of the series, 'John Braun's Body', for Columbia release. Kurt Neumann directs and Ralph Bellamy plays the detective role.

VIDOR'S 'N. Y. TOWN'

Hollywood, Sept. 24. Charles Vidor moved in as director of 'New York Town', co-starring Fred MacMurray and Mary Martin at Paramount.

Mitchell Leisen, previously signed for the spot, is busy directing 'I Wanted Wings.'

Consent Decree

Continued from page 5.

in lifting the ban on blockbooking and blind selling against the other five companies.

It is probable, therefore, that the amended anti-trust complaint against the three distributors will be greatly simplified from the original application. The conspiracy section will be eliminated entirely and the action predicated exclusively on the charge that blockbooking and blind-selling, as currently practiced by Columbia and Universal, constitute a violation of the anti-trust laws. Some modification of the charge will be devised in the complaint against United Artists, which acts as the distributing agency for independent producers.

Opposition to the five picture group has been continuing as a topic in exhibition circles. It is likely that the Motion Picture Theatre Owners of America will make formal protest to Judge Goddard when he holds a hearing on the decree. Independent theatre groups also are expected to voice objections and plead for some form of cancellation of pictures in the new selling regulations.

Pending the Oct. 7 hearing on the consent decree, efforts are being made to revise the Balaban & Katz-Paramount consent decree so that it will conform to the settlement agreement now under consideration in the U. S. suit against the major producer-distributors. The Government has on file a suit against B&K-Par for violation of the 1932 consent decree alleging monopoly in the Chicago territory. A similar suit stands against Fox-West Coast under the consent decree reached in that case and no doubt it will also be made to conform to the agreement in the case against the majors.

Independent exhibitor leader sources say they and affiliated chain interests are not yet through and may be forced to give much added time from Oct. 7 on in active efforts to obtain modification of the consent plan, especially so far as selling in blocks of five without cancellation are concerned.

Not 'Unreasonable'

Washington, Sept. 24.

No course of action in the Federal anti-trust suit has been decided yet, except that the Justice Department is not going to try and get major producer-distributor defendants to give in to what are considered in official circles 'unreasonable' demands of certain exhibitor groups.

With most of those directly concerned in pressing or settling the New York complaint away from their desks, little has developed in the last two weeks. Confabs with the exhib crowd have ended and no more huddles are in prospect. Following the field day in Assistant Attorney General Thurman Arnold's office nearly a month ago, the status quo has not changed. No concessions have been sought from the defending companies and no suggested changes in the tentative drafts of the proposed consent decree is unaltered, according to departmental sources.

At the moment, most of the negotiators are on the road. Prof. Arnold is on the West Coast trying to generate momentum behind other Sherman act investigations; Abe Feller, in charge of consent decrees, is away and principal assistants of the anti-trust division head are either vacationing or attending to other business.

So far the Justice Department bosses have not decided even about their maneuvers when the case is called again next month. Despite indications the proposed decree may be offered with a suggestion that the N. Y. federal court hear views of the disgruntled parties, there is no assurance at this stage that the prosecuting force will not show up ready to go ahead with the trial on the ground that negotiations were futile.

'DOCKS' LEADS SET

Hollywood, Sept. 24.

Irene Hervey and Burgess Meredith hold the top spots in Universal's 'San Francisco Docks,' with Arthur Lubin as pilot.

Following 'Docks,' Meredith has an assignment in the Merle Oberon-Melvyn Douglas co-starrer to be produced by United Artists by Ernst Lubitsch.

15-20c House Ups to 40c for Weekly Bingo Night; Distribs Now Squawk For Film Rental Based on 40c Gross

'Caravan' Moves On

Hollywood, Sept. 24.

'Doomed Caravan,' halted four months ago by Bill Boyd's broken leg, goes back into production this week, with Harry Sherman supervising work on the Paramount lot and location shooting postponed to coincide with the new schedule.

'Caravan' and four other Hopalong Cassidy will be pushed rapidly to meet the current releasing dates. While the Cassidy were held up, Sherman completed 'Cherokee Strip' and 'The Roundup.'

Patron Wins in Court On Auto Contest; 50% Thereof Awarded Him

Milwaukee, Sept. 24.

Gustav Collatz, who brought suit against the Fox Wisconsin Amusement Corp. when a competitor was awarded a motor car as prize in a history quiz at the Variety theatre, won his prize—\$391—in the circuit court quiz held before Judge Charles L. Aarons.

After listening to an involved array of evidence, the court held that the theatre competition should have been a draw, and on this basis Collatz was awarded cash for half the value of the automobile which sells at \$782.

Chesterfield Cigs.

Continued from page 5.

erans in the film business really aroused because they charge that non-industry advertisers want to horn into the industry via the vital artery, theatre operations. Indications are that both radio and the newspaper business would have plenty to say about the present free show plan.

Five Phases

Thus far, there have been five phases of screen advertising:

(1) There's the enterprise to make pictures, rent a theatre and stage a free show (present project). (2) This is one where a film is made, deals are made to show it in regularly operated theatres, being either furnished gratis or the exhibitor is paid a price to run it at regular admission fees.

(3) Production of a film and distribution non-theatrically.

(4) Situation where commercial plugs are sneaked into feature pictures and included as a presentation by the producer. This often calls for tieups such as with 'Union Pacific,' 'Wells Fargo,' 'Thomas Edison,' etc. The producer gets no extra coin but advertising help from the company or institution mentioned by name or via the story, and usually consideration from the industrial firm in aid on the locale.

(5) Then there's the outright advertising quickie short running one to two minutes on the screen.

Majority of showmen in the business claim that these are listed in the order of their threat to the industry with No. 1 holding the most hazards because it hurts the exhibitor, distributor and producer. Many contend it short-circuits the whole distribution setup, by taking away valuable playing time. Also by tearing down the good will and prestige a theatre holds and which has taken years to develop by the worthwhile exhibitor.

Benchley's 1st 3 for Par

Scheduled to make six shorts for Paramount for the 1940-41 season, Robert Benchley arrived in New York Friday (20) to prepare for the first, to be shot at the Par Astoria, L. I. studio during the coming two weeks. Scripts on two additional, to be turned out immediately, are also set.

After finishing the three shorts, Benchley will return to Hollywood. Later on he will come back east to make the other three under the contract.

New bingo angle gaining prevalence in upstate New York houses is providing a dilemma for distributors and may land in court. Difficulty arises from the practice of a group of promoters who take over a house completely for one night or more a week and install a bingo game in addition to the picture which the theatre happens to be playing.

Under the scheme, the promoters pay the house operator a flat sum, out of which he must pay film rental and other standard expenses. Bingo guys, however, offer several hundred dollars or more to winners of the game and take all receipts from the b.o. They also raise admission of 15c and 20c houses to 40c for the game night.

Distributors maintain that their picture rental percentage is based on the total gross and that they should be paid off on the basis of the 40c admission. House ops claim that all they are entitled to is a payoff on the basis of the original 15c or 20c tap. Addition of the heavy bingo prizes is the only thing that enables them to get away with the upped tariff, they declare, and so the distributors are not entitled to a divvy on the difference.

United Artists is now seeking a solution on the question in Syracuse, where Mitchell Fitzer rented his Rivoli to a group of the giveaway operators. He received a flat fee of \$125 from them. 'Rebecca' was the picture at the time.

Church Vs. Bingo

Milwaukee, Sept. 24.

William B. Rubin, legal rep for the churchmen's organization, pleaded before Court Commissioner Charles A. Orth with Charles W. Trampe, film distributor and theatre go, to drop his action against the American Lutheran Assn. for sponsoring bingo on the ground that he (Trampe) was meddling with the lowly amusements of the plain people.

Trampe refused, saying he wasn't opposed to bingo, but that authority had discriminated against the theatres in halting bank nights, yet permitting other organizations to run bingo games, and he wanted some fairness shown. Thus the battle goes on, even though the state supreme court has outlawed the bingo games.

What theatre men see as retaliation for their successful effort in outlawing the Wisconsin supreme court here of a suit to enjoin the Variety Club, showmen's charitable and social organization, from permitting gambling in its quarters in the Schroeder hotel. Action was brought by Arthur T. Nordorf, as a citizen, against the Variety Club and Charles W. Trampe, Monogram distributor, head of Film Service, Inc., and himself an exhibitor, front man for the theatre interests in their fight against bingo.

JAGGER BACK TO FILM CHORE, 20TH'S 'W. U.'

Dean Jagger planned back to the Coast last Saturday (21) right after his appearance on the Kate Smith program in an adaptation from 'Bright Young,' 20th-Fox picture in which he plays the title part. Was due to remain in Hollywood only a few hours before flying to Utah to go into the cast of 'Western Union' for the same studio.

Actor, who clicked on Broadway two seasons ago in 'Missouri Legend' and appeared last season in 'Everywhere I Roam,' has no immediate plans for returning to the stage. Contract with 20th calls for 40 weeks a year, so he couldn't take a Broadway offer except with studio permission.

POLITICO NEWSREELERS

James Rend, former Paramount newsreel cop, is now with the Republican national committee, as newsreel advance operator. Allyn Butterfield, formerly editor on Pathe News, heads the G.O.P. newsreel division in the presidential campaign. Robert Collier, another Paramount News man, has joined the newsreel department of the National Defense Commission.

Film Reviews

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

WEEK	REV
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WEEK OF RELEASE	Rev. in Var.	TITLE AND COMPANY	TYPE	TALENT	R. T.
7/26/40	8/7	BLONDIE HAS SERVANT (Col)	C	A. Johnston-A. Lake	66
	8/21	BOYS OF THE CITY (Mono)	M	East Side Kids	63
	7/31	GOLD RUSH MAISIE (M-G)	C	A. Soltow-L. Bowman-W. Weidner	82
	6/28	UNPAID (M-G)	RD	R. Miland-F. Morison-A. Tamiroff	117
	8/21	STAGE TO CHINO (RKO)	W	G. O'Brien-Vale	51
	7/17	MILLIONAIRES IN PRISON (RKO)	M	L. Tracy-L. Hayes-V. Vale	63
	7/17	YOU'RE NOT SO TOUGH (U)	M	Dead End Kids-N. Grey	71
8/2/40	8/7	LADY IN QUESTION (Col)	C	B. Aherne-R. Hayworth-G. Ford	78
	7/24	RAIDERS OF LUCIFER (M-G)	RD	G. Saylor-L. Wilson	117
	8/28	GOLDEN GLOVES (Par)	R	R. Denning-J. Cagney-R. Faig	69
	8/7	THE SEA RAIDER (Par)	D	H. Wilcoxon-C. Landis-O. Stevens	76
		QUEEN OF DESTINY (RKO)	RD	A. Neagle-A. Walbrock	67
	7/17	THE MAN I MARRIED (20th)	RD	J. Bennett-L. Lederer	76
	7/24	RANGER AND HIS LADY (Rep)	R	R. Rogers-G. Hiest-L. Wells	59
	8/14	SOUTH TO KANGAROO (U)	RD	C. Bickford-J. Craig-L. Desli	59
8/9/40	8/14	THE SECRET SEVEN (Col)	M	B. Bennett-F. Bright	62
	8/7	I LOVE YOU AGAIN (M-G)	CD	W. Powell-M. Loy-F. McHugh	57
	8/7	DOOMED TO DIE (Mono)	M	B. Karloff-M. Reynolds	47
	7/10	CHAMBER OF HORRORS (Mono)	M	L. Banks-L. Palmer-G. Malt	55
	8/21	ONE CROWDED COT (RKO)	M	E. Seward-D. Corallo-W. Haade	67
		GIRL FROM AVENUE A (20th)	CD	J. Withers-K. Taylor-K. Aldridge	71
	7/10	STREET OF MEMORIES (20th)	RD	J. McGuire-L. Roberts	71
	8/7	CAPTAIN CAUTION (UA)	RD	V. Mature-L. Platt-B. Cabot	74
	7/17	BOYS FROM SYRACUSE (U)	M	A. Jones-M. Raye-J. Penner	72
	8/7	SING, DANCE, PLENTY HOT (Rep)	MU	R. Terry-J. Downs-B. Allen	72
	8/28	RIVER'S END (WB)	M	D. Morgan-E. Earl-V. Jory	69
8/16/40	8/28	THE DURANGO KID (Col)	W	C. Starrett-L. Walters	64
	8/21	GOLDEN FLEEING (M-G)	CD	L. Ayres-R. Johnson-V. Grey	61
	8/21	LAUGHING AT DANGER (Mono)	M	F. Darro-J. Hodges-G. Huston	61
	7/24	COMING MOUNTAIN (Par)	C	B. Barrett-M. C. Colbert	117
	9/4	STRANGER ON THIRD FLOOR (RKO)	C	P. Lorre-J. McGuire-M. Tallichet	67
	7/24	RAMPARTS WE WATCH (RKO)	D	March of Time production	85
	8/14	RETURN OF FRANK JAMES (20th)	R	H. Fonda-A. Leeds-J. Cooper	92
	8/28	FOREIGN CORRESPONDENT (UA)	RD	J. McCrea-L. Day-M. Marshall	119
		ALL THIS HEAVY TOW (WB)	D	E. Davis-C. Burr-O'Neill	140
8/23/40	8/14	HE STAYED FOR BREAKFAST (Col)	CD	M. Douglas-L. Young-U. O'Connor	66
		MISSING PEOPLE (Mono)	D	W. Fyffe-L. Harding-K. Walsh	53
		ARIZONA FRONTIER (Mono)	W	T. Ritter-S. Andrews-E. Finley	57
		RANGE BUSTERS (Mono)	W	R. Corrigan-J. King-L. Walters	53
	8/21	THE CAT MOUNTAIN (Par)	C	B. Donlevy-M. C. Colbert	117
	7/24	LUCKY PARTNERS (RKO)	C	G. Rogers-R. Colman-F. Wray	98
	8/14	PIER 13 (20th)	D	L. Bari-L. Nolan-J. Valerio	67
	7/24	THE SEA HAWK (WB)	D	E. Flynn-B. Marshall-C. Rains	127
8/30/40	9/18	PEPPERS IN TROUBLE (Col)	C	E. Fellows-D. Peterson-R. Sinclair	63
	8/7	QUEEN OF THE MONK (Mono)	D	C. Bickford-L. Rich	63
	7/17	BOOM TOWN (M-G)	C	G. Gable-S. Taylor-C. Colbert	117
	8/21	RYTHM ON THE RIVER (Par)	CD	S. Temple-J. Oakie-C. Greenwood	77
	8/28	DANCE GIRL DANCE (RKO)	C	B. Crosby-M. Martin-B. Rathbone	92
	8/7	THEY DRIVE BY NIGHT (WB)	W	M. O'Hara-L. Hayward-L. Ball	98
	8/28	OKLAHOMA RENEGADES (Rep)	D	G. E. Ruff-A. Sheridan-M. Bogart	93
		KIT CARSON (UA)	W	E. Livingston-B. Ernst-D. Besside	95
8/30/40		LIFE WITH HENRY (Par)	C	J. Cooper-L. Hutton-E. Bracken	57
	8/7	CHAM AT WAX MUSEUM (20th)	M	S. Loter-S. Yung-J. Valerio	57
	8/7	FUGITIVE FROM PRISON CAMP (Col)	C	J. Holt-M. Marsh	58
	9/4	DE KILBEAR GOES HOME (M-G)	R	B. Arres-B. Moore-L. Day	73
		UP IN AIR (Mono)	M	F. Darro-M. Moreland	61
		WHO IS GUILTY? (Mono)	M	B. Lyon-B. Blair	57
	9/4	ARGENTINE NIGHTS (U)	MU	Hits Bros.-Andrews Sisters	72
	8/28	RIDE TENDERFOOT RIDE (Rep)	RD	G. Aubrey-S. Beckett-L. Storge	66
	8/28	MEN AGAINST THE SKY (RKO)	RD	R. Dix-K. Taylor-W. Ford	65
		CALLING ALL HUSBANDS (WB)	C	G. Tobias-L. Fairbanks-E. Truax	61
9/13/40	9/4	HOWARDS OF VIRGINIA (Col)	D	C. Grant-M. Scott	115
	9/11	WYOMING (M-G)	W	W. Beery-L. Carille-A. Rutherford	84
		THE ARLE KIN (M-G)	D	Boris Karloff	63
	9/4	I WANT A DIVORCE (Par)	D	E. Blonell-D. Powell-G. Dickson	91
	9/11	GIRL FROM HAVANA (Rep)	RD	D. O'Keefe-C. Carleton-V. Jory	69
	9/18	DREAMING OUT LOUD (RKO)	C	Lum and Abner-F. Langford	81
	8/28	PUBLIC DEB NO. 1 (20th)	C	G. Murphy-B. Joyce-E. Maxwell	70
	9/11	HURED WIND (RKO)	CD	R. Russell-E. R. H. Bentley	95
		LEATHER PUSHERS (U)	R	R. Arlen-A. Devine-J. Allwyn	70
	9/11	NO TIME FOR COMEDY (WB)	C	J. Stewart-R. Russell-C. Ruggles	98
9/20/40		WIZARD OF DEATH (Col)	M	B. Karloff-E. Keyes	57
	9/18	STRIKE UP THE BAND (M-G)	MU	M. Rooney-J. Garland-J. Preisler	115
		THAT GANG OF MINE (M-G)	M	B. Jordan-L. Gorcey	66
		THIEF OF BAGDAD (UA)	C	C. Veld-Sabu-J. Dupres	73
		TRIPLE JUSTICE (RKO)	W	G. O'Brien-Vale	51
	9/4	COLORADO (Rep)	W	R. Rogers-G. Hayes-P. Moore	57
	9/25	YESTERDAY'S HEROES (20th)	CD	R. Sterling-J. Rogers-R. Gleason	60
		MUMMY'S NIGHT (RKO)	D	D. Fagan-P. Hunter-B. Burke	73
	9/25	RAGTIME COWBOY JOE (U)	W	J. M. Brown-N. O'Day-W. Knight	65
	9/25	THE WESTERNER (UA)	W	G. Cooper-W. Brennan	97
	9/11	CITY FOR CONQUEST (WB)	D	J. Cagney-A. Sheridan-F. Craven	105
9/27/40		ANGELS OVER BROADWAY (Col)	D	D. Fairbanks, Jr.-R. Hayworth	78
	8/7	HAUNTED HONOLULU (M-G)	D	R. Montgomery-C. Cummings	89
	9/25	SKY MURDER (M-G)	R	E. Johnston-W. H. C. C. C.	71
	9/11	RANGERS OF FORTUNE (Par)	M	F. MacMurray-F. Morison	79
		I'M STILL ALIVE (RKO)	RD	K. Taylor-L. Hayes-R. Morgan	70
		KNOW WHAT THEY WANTED (RKO)	CD	C. Laughton-C. Lombard-W. Gargan	69
	8/28	BRIGADE YIPPIE (20th)	CD	F. Power-L. Darnell-D. Jagger	112
		SPRING PARADE (U)	RD	D. Durbin-R. Cummin-M. Auer	70
		EAST OF THE RIVER (WB)	M	J. Garfield-B. Marshall-M. Rambeau	70
		DRUMS OF THE DESERT (Mono)	M	L. Gray-R. Byrd	70
	9/18	UNDER TEXAS SKIES (Rep)	W	A. Mesquiteres-L. Ranson	87
10/4/40		SO YOU WOULD TALK (Col)	C	J. E. Brown-F. Robinson	66
		DOLCY (M-G)	C	A. Sothern-P. Hunter-B. Burke	73
		OLE SWIMMIN' HOLE (Mono)	C	M. M. Jones-J. Moran	66
		QUARTERBACK (Par)	CD	W. Morris-V. Dale-A. Mowbray	66
	7/24	VILLAIN STILL PURSUED HER (RKO)	C	A. Loinse-R. Cromwell-H. Herbert	66
		WAGON TRAIN (RKO)	W	G. Holt-M. O'Driscoll-R. Whitley	66
	9/25	GAY CABALLERO (20th)	C	C. Romero-S. Ryan	58
		DIAMOND FRONTIER (U)	M	V. McLaglen-A. Nagel-J. Loder	97
		KUNTE ROCKNE-ALL AMERICAN (WB)	D	P. O'Brien-G. Page-R. Reagan	66
10/11/40		THIRD FINGER, LEFT HAND (M-G)	CD	M. Loy-M. Douglas	57
		YOU'RE OUT OF LUCK (Mono)	C	F. Darro	66
		MOON OVER BURMA (Par)	D	D. Lamour-P. Foster-D. Nolan	70
		MELODY AND MOONLIGHT (Rep)	CD	J. Downs-J. Frazee-V. Vague	70
		FRONTIER VENGEANCE (Rep)	W	D. Barry-B. Moran	70
		TOO MANY GIRLS (RKO)	MU	L. Ball-R. Carlson-A. Miller	79
	8/21	DEAD FROG (RKO)	CD	J. Barrymore-M. B. Hughes	79
		LITTLE BIT OF HEAVEN (U)	C	G. Cogan-H. Herbert-G. G.	79
		FATHER IS A PRINCE (WB)	C	G. Mitchell-L. Patrick-J. Liel	79
10/18/40		NOBODY'S CHILDREN (Col)	D	E. Fellows-L. Wilson-B. Lee	66
		ESCAPE (M-G)	D	N. Shearer-R. Taylor-Nashinova	79
	9/18	PARSONS OF DEVIL'S GAP (Mono)	W	T. Ritter	66
		CHRISTMAS IN JULY (Par)	CD	D. Fowell-E. Drew	66
	9/18	NIGHT TRAIN (20th)	CD	M. Lockwood-R. Merriss	66
		LADDIE (RKO)	T	T. Holt-S. Byington-V. Gilmore	66
		SLIGHTLY TEMPTED (U)	C	H. Herbert-P. Moran-J. Downs	66
	9/25	DISPATCH FROM REUTERS (WB)	D	E. Robinson-E. Best-O. Kruger	89
10/25/40		GIRLS UNDER 21 (Col)	D	F. Kelly-R. Hudson	66
		HULLBALD (Mono)	MU	F. Morgan-B. Burke-V. Grey	66
		PHANTOM OF CHINATOWN (Mono)	C	K. Lyle	66
		CHEROKEE STRIP (Par)	W	R. Dix-V. Jory-F. Rice	66
		YOU'LL FIND OUT (RKO)	MU	K. Kyser-H. Farrish-P. Lorre	66
		YOUNG BILL HICKOK (Rep)	W	R. Rogers-G. Hayes-J. Wells	66
		DOWN ARCADE WAY (20th)	MU	D. Ameche-B. Grable-C. Miranda	66
		SEVEN SINNERS (U)	RD	M. Dietrich-J. Wayne-M. Auer	66
		SON OF MONTE CRISTO (UA)	R	L. Hayward-J. Bennett-Sanders	66
		TUGBOAT ANNIE SAILS AGAIN (WB)	C	M. Rambeau-A. Hale-J. Wyman	66

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Production is adequate; editing of
footage and incorporated newsreel
clips is jerky and obvious.

(FRENCH MADE)

(In French; with English Titles)

Apparently made not long before the Nazi invasion, this French picture version of Tolstoy's drama is a curious mixture of flavors. Story locale and characters are all pure Russian, but the dialog is in French and there is a pervading French air about it. Film has a solid story, but is somewhat ponderous and long for the U. S. market.

in the Tolstoyan style of grim morality, the tragedy yawns shows the inevitable tragedy that ensues when a wife is at least spiritually unfaithful. In this case her husband, a public prosecutor, suspects that the young man is attempting to leave them for a tramp actress. He is believed dead, but is rescued, and his identity unknown, joins the army. Ultimately the wife and her admirer become engaged, but she is shown to be unfaithful again, and is abandoned and is finally cleared when he appears at the trial. In the typical Tolstoy ending, she begs him to stay with her, but he refuses and she is shown in the fadeout vowing to wait.

for the remedy is certain return, although the situation is not as plausible, the story is too deliberate. The direction varies, some of the scenes revealing a perceptive sense of the drama and suspense, others being obvious overkill. The most striking eloquent performances, Victor Krause giving an impression of close-reined emotion as the husband and Gaby Moray doing equally well in the role of the wife, are overshadowed by the wife. Signorette is authentically hoarse as the assistant prosecutor and Georges Rigaud is properly intense as the young admiral. Madeleine Renaud is a beautiful young girl. Miss Slansky's ballet is ineffectually photographed. H. H.

Rosa

ROSÀ
('Un'Avventura di Salvalor Rosa')
(ITALIAN-MADE)
Esperia Film release of Stella production. Features Gino Cervi. Directed by Alessandro Blasetti. Story by Ugo Scotti Berni; dialog by Giuseppe Zucca; music, Alessandro Cicognini; orchestra, Pietro Sassoli; camera, Ugo Scotti Berni. At Cinecittà, N. Y., week Sept. 19, '40. Running time,

97 MINN.	
Salvator Rosa	Gino Cervi
Lucrezia	Luisa Ferida
Isabella of Torniano	Rina Morelli
Count Lamberto	Oswaldo Valentini
Giovanni	Ugo Cesari
A peasant	Umberto Sacripante
Another peasant	Paolo Stoppa
The Captain	Carlo Duse
The Viceroy	Enzo Biliotti

(In Italian; with English Titles)
This cinematic version of Italy's Robin Hood contains more than the expected share of entertainment. Film represents long strides toward palatable screen fare from Il Duce's film capital. Rates highly on the list of Italian productions made available to foreign language houses in this

Plot has a smattering of 'Prisoner of Zenda,' but sticks mainly to the Italian Robin Hood fable. Italo producers frame their story about a discredited knight, named Formica, who aids the poor people and brings some of the landed gentry and feudal royalty down to earth. Time of yarn is set back in the 17th century shortly after the ill-fated Neapolitan revolution.

Director Alessandro Blasetti shrewdly has focused interest on a single adventure of Salvatore Rosa. Script has him imitating the fabled hero in breaking up what looms as an unhappy marriage between the

valn, youthful Duchess Isabella, and a money-seeking Count Lambert while simultaneously winning the peasant's fight to gain water rights.

Salvator character manages to keep two love affairs running, the one with the duchess, to win victory for the peasantry, and the other, simply because he's intrigued by the voluptuous peasant beauty.

There are several hotcha love scenes of the type which U.S. films now eschew; also a surprise is the deftness with which the foreign producers have handled the dual role of Salvatore Rosa who is identified in the plot as Formica, 'Robin Hood'. They are not so successful in the slapstick climax when the royal army is bested by the peasantry, because it's too involved to follow.

- Gino Cervi is tops as the spaghetti Robin Hood. His verve is reminiscent of the late Douglas Fairbanks' vigorous screen antics. Luisa Ferida makes the peasant lass a pash figure, but otherwise she's too plump on American standards. Rina Morello is convincing as the flighty little duchess, and Osvaldo Valenti, as the count, is competent. Wear.

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closed shop agreement by the Screen Office Employees Guild.

Extra Earnings Rise
Central Casting Corp. has reported an increase in earnings of extras of \$80,000 during August. This tilt, however, was offset by a decrease of 64c in the average daily wage for the month. Officials stated this was due to the large number of \$5.50 calls placed by studios. Earnings for the first eight months this year, though are still \$382.59 behind the same period in 1938. Central Casting has estimated that the total decrease for the year may run nearly \$1,000,000.

The Screen Actors Guild has suspended two extras in its drive to eliminate 'goon squads' in the extra ranks and stop attacks on casting directors at Central Casting Corp. The SAG investigation was started after Howard R. Philbrick, Central's general manager, had complained to the Guild that several of his directors had been threatened with physical violence by extras demanding work.

Jack Gordon, recently acquitted on a Brooklyn murder charge, drew a six months' suspension and probation for one year. Mike Morelli was given two months' suspension and probation for one year. Neither will be permitted to accept work in the motion picture business during their terms of suspension.

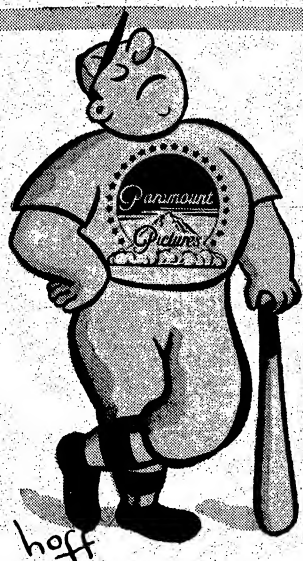
The National Labor Relations Board has ordered an industry-wide election of Studio Scenic Artists. Sept. 26 and 27 to designate a collective bargaining representative. Any artist who was employed for six hours each during any 12 consecutive months between April 1, 1939, and Aug. 31, 1940, will be eligible to vote. The artists will be asked to designate whether they prefer to be represented by the Scenic Artists Association, Inc., or the Moving Picture Painters Local 644.

Law C. G. Blix, former international representative here for the International Alliance of Theatrical Stage Employees, has been employed as labor director of the Roosevelt Campaign for Reelection. Blix for more than 10 years was executive secretary of Technicians Local 37, but recently was dropped by the IATSE when its general offices at the Coast were closed.

Writer-Producer Peace

The proposed short-term agreement between the Producers and the Screen Writers Guild is expected to be closed within the next 10 days. An accord has been reached on most of the major points, and attorneys for the two groups are now trying to agree on the legal phraseology to be incorporated in the contract. Prexy Y. Frank Freeman, of the Producers Association, directing negotiations for the major companies, with prexy Sheridan Gibney leading the writer negotiators.

The Screen Publicists Guild has made a tentative deal to sell its publicity bureau and clients to Blake McVeagh, who recently resigned as head planner for the Warners praisery. The bureau formerly was headed by Gabe Yorke, who quit to accept the job of publicity director for Samuel Goldwyn.



Everybody's talking about the Big Hit Maker of 1940!



Listen to BEN SHLYEN of Box Office!

"That there is a new order in this business was very plainly made evident at the Paramount sales meeting held in Kansas City last week. One of the primary reasons for the meeting was to determine the policy under which 'NORTH WEST MOUNTED POLICE,' the DeMille production, was to be handled; whether it was an attraction that merited higher admission prices in its exhibitions. To determine this, the picture was sneak-previewed before a regular theatre audience and before the assemblage of district sales managers, division managers, home office and studio executives and district field exploitation men.

The audience reaction and the judgment of the men who direct the sales and merchandising of the picture was to be the guiding factor. The decision reached was that the picture merited higher admission scales in all of its showings—BUT, this policy was to be recommended to exhibitors; they alone were to decide what would best suit their individual situations.

Aware that hiking admission prices on outstanding films is at the moment a controversial subject within the trade, it is this writer's opinion, nevertheless, that exhibitors will do well to consider Paramount's recommendations along this line for 'NORTH WEST MOUNTED POLICE.' This picture has name values, high production quality, entertainment for the masses to sell. In fact, it has enough good values to stand alone on single billing, even in double-feature situations.

Asked if Paramount planned to extend the higher admissions recommendation to other big pictures on its program, Neil Agnew, vice-president and general sales manager, replied, 'We are not judging our pictures in advance. We will await the finished product and apply to it whatever policy its merits deserve.' That, too, represents a changed order from the pre-labeling of a quality tag and pre-designating a sales or exhibition policy such as has been known in the not-too-distant past.

Being in Kansas City we were privileged to see most of the pictures screened for the Paramount executives. Two, 'NORTH WEST MOUNTED POLICE' and 'ARISE MY LOVE,' we saw with the theatre audiences. The others, 'CHRISTMAS IN JULY,' 'THE WORLD IN FLAMES' and 'LOVE THY NEIGHBOR' were seen in projection-room style without the audience. The latter two were uncut versions; the last not even a complete film. But there was ample from which to observe both merit and boxoffice possibilities.

Incidentally Paramount has a triple-threat value in Preston Sturges, who serves as writer, director and producer. He's the fellow who did the triple chore on 'THE GREAT MCGINTY.' He does a superb job on 'CHRISTMAS IN JULY,' a down-to-earth comedy-drama that has a master-touch of appeal to all classes.

What we saw served as a mighty good indication that Paramount production is definitely on the upbeat. This should be good news to everyone, because it is on good pictures that the industry will continue to go forward."

"Paramount can fire a barrage on
'CHRISTMAS IN JULY,' fourth* hit of its four-
week-old new season" —Hollywood Reporter
*1 "Rhythm on the River" — 2 "Rangers of Fortune" — 3 "I Want a Divorce"

Plenty Wrong With Pix

Continued from page 1

the government. To make the indictment specific:

There isn't a single United States Senator or member of the House of Representatives who makes the welfare of the amusement business his particular problem, or extends to it the full weight of his personal influence. This is a sorry situation, but it is, unfortunately, the truth.

The Federal Theatre Project of WPA went down without the slightest real effort to save it. The admirable work of the motion picture division was distorted and assailed at the Capitol, and was denied a penny of further appropriation, largely because no responsible legislative voice pointed out its advantages. The Neely bill has been a recurring nuisance for more than 10 years and, at the last House hearings in April, only Representative Costello—from the Hollywood district—appeared as a member of Congress to say a good word in behalf of producers and distributors.

D. C. Antipathy Old Staff

Now this is not a new situation. The antipathy on Capitol Hill to the amusement business has been existent for a long time, and the informed are well aware that the reasons behind much of this unfriendliness is both insidious and un-American. It cropped out in the long delay before George M. Cohan was awarded his medal for "Over There," it is partly to blame for the futile attempts to wipe the ridiculous child-labor law from the statute books in Washington; time and again restrictive legislation directed towards theatre operation in Washington has been defeated only because local managers used their powers of persuasion.

Congressman Lambertson's campaign to purge the Actors Equity but another manifestation of this feeling.

The truth is that the amusement industry lacks one real champion in either the Senate or the House. No other business, of similar magnitude and importance, is left so completely to its own resources in the halls of Government.

In the broader field of national economy, and tax legislation, which directly affects the heart of the industry—its box office—there exists the same indifference, indecision and timidity. The theatre is taxed close to death, and, unless it makes a last gasp, will continue to carry a disproportionate share of the burden, because no influential Congressional voice is heard shouting: "Here, stop right now. You will defeat the very purpose for which taxation was devised, to raise revenues. There is a ceiling, and a limit which theatre-goers and movie patrons will pay without grumbling, and you are close to that extreme. Don't kill off theatre attendance and hit U.S. Treasury receipts by fixing an amusement tax that evolves into a boycott."

Pix Biz Needs a Lobby

Those who contend that this implies the absence of an effective lobby at Washington would be well within the truth. The word "lobbyist" has come to have an ominous meaning, but every organized business with interstate affiliations has some representative here to look after its interests. That doesn't imply either corruption, or an unholy influence, but an informed agency to assist Congress in writing intelligent and fair tax legislation. You may argue until you are black in the face that it is undesirable for any business to be the ally of politics. Yet, the truth remains, most government is politics, and will always be under our system of party rule.

These are political times, and those who are against the existing order, are generally challenged to point out how they would improve things, and to chart reform. Therefore I beg leave to submit the following platform, aimed not so much at correcting evils, as to inject a stimulating influence that will arouse the business from its lethargy.

Parity With Sports

In the general allocation of newspaper space and department coverage, tradition and custom have made it a national journalistic practice to rate sports as being above amusement. The theory of this balance is that the potential newspaper audience for sports news is far in excess of those interested in motion pictures, the stage or personalities in the entertainment world.

There has been—so far as the records go—no organized effort to show

that the collective audience for motion pictures, and news of stars and dominant personalities of the industry, equals at least if it does not surpass, that for sports, professional and amateur. Certainly on the numerical chart which shows 54,000,000 weekly attendance at pictures (figures of the Gallup poll prepared for producer Samuel Goldwyn on double features) it is doubtful whether attendance on all sports, professional and amateur, participating and non-participating, attains such imposing representation.

Or, breaking it down to any given community or area, the collective film audience for first run and neighborhood theatres, will be far greater than that for both commercial and participating sport.

On this hypothesis the motion picture industry has a right to ask for newspaper consideration that will bring the comparative allocation of space for amusements closer to the daily level of sports coverage. But entirely apart from the standpoint of reader interest there is the added argument that sports, national and local, is not a profitable classification in any newspaper. Furthermore, the practice has grown up whereby professional sport secures its promotion without regard to the newspaper business office. Without any intention to upset newspaper administration and management, it appears that the organized motion picture industry is within its rights in calling to the attention of the American Newspaper Publishers Association, and other affiliated organizations of the Fourth Estate, the unfairness of this discrimination.

The amusement industry, nationally and locally, pays a sustaining rate in all papers which it employs for the exploitation and sale of its product. Generally it pays the highest lineage rate of any classification in the average newspaper.

Professional Sports

In the realm of professional sport—particularly baseball, football and racing—newspaper practice has been to regard and treat these outdoor amusements as non-profitable departments. If publishers feel that public interest compels them to promote and sustain these professional sports which attract seasonal audiences running into the hundreds of thousands, generally attracted through the newspaper space, it is not the province of the motion picture industry to pioneer for reform.

These professional outdoor attractions, however, do constitute a rival for the motion picture boxoffice, and the industry seems to be well within the realm of reasonable objection in asking for something approaching parity in both space and consideration. Professional football, for instance, is a 100% commercial institution. Unlike the college competition, it has neither local pride nor non-profit argument as a factor in claiming preferential treatment by newspapers. Like professional boxing, it seems to assume that this purely manufactured interest entitles it to a free ride, and it gets it.

In asking for newspaper cooperation and theatre tieups, the organized theatre and the amusement industry has invariably operated upon the theory that such publicity and reading space carries an obligation to support and sustain the advertising columns. There can be, and is no complaint on this accepted custom. But, in the competition for its share of the amusement dollar, the industry should feel that it is both right and fair in asking that others, in the business of providing public entertainment, be compelled to meet the same standard of newspaper support fixed for motion pictures and theatre operation.

Motion Picture National Polls

The organized industry has been singularly lax in keeping a finger upon the pulse of its collective audience. It contacts through its thousands of boxoffices in operating theatres an audience of many millions weekly.

With a properly organized department of research and public relations, it seems to one that it ought to be possible to canvas at regular intervals the theatres of the country, large and small, on popularity trends and star value.

The trade papers, and especially the annual poll of exhibitors on boxoffice favorites, arouse national interest that must be reflected in a stimulated boxoffice. Commendable as these sampling of exhibitors are, coupled with the "Ten Best" polls conducted by trade magazines and

by motion picture critics, reader interest could be further captured by an annual national poll in which all film-goers could participate.

The "Motion Pictures Are Your Best Entertainment" campaign of 1938 was a step in this direction. The fact that it was less successful than its sponsors probably expected should not discourage further movements in the direction of general audience participation. VARIETY, by its frank and friendly sampling of exhibitor and patron opinion on "Why I Do Not Go to the Movies," or "Why I Have Given Up the Movies," or "What I Have Given Up the Movies," fulfills a very useful purpose, and adds significantly to the sum total of vital statistics on a subject that touches the very heart of the industry—the boxoffice.

This brings us then to neglect, or lack of foresight in the field of national promotion. It is my contention that the millions who attend motion pictures daily and weekly should be enlisted annually, to voluntarily participate in a referendum or poll to determine the Most Popular Stars and the 10 Most Popular Motion Pictures.

In this informal election, every theatre, from the most imposing first runs to the smallest of honky-tonks should have the privilege of active participation. The machinery for such a national poll, and its administration should be under the supervision of industry headquarters, and if it is conducted exclusively cordoned off results from week to week polling would stimulate nation-wide interest mounting until the final results are announced.

Fans Should Vote on Best Pix

In other words the determining of the 10 Best Pictures of 1940 should not be exclusively the function and the duty of professional critics. This is not said to reflect on the intellectual capacity or fitness of professional reviewers to appraise the Hollywood product. It merely suggests that even movie-goers in America have a voice and a vote.

The metropolitan critics, as a rule, are well equipped for their jobs and their standards of appraisal meet the requirement of their newspapers; but there is grave doubt as to whether their collective findings reflects the composite verdict of Mr. Average Movie-Goer. VARIETY and other trade papers have the statistics to show that, time and again, motion pictures rated 100% by trained reviewers have been less than 50% at the boxoffice. On the other hand, features that have been sloughed off by big city critics as inconsequential, or so-so, have proven substantial successes, far in advance of many big budget pictures.

It is a recognized fact that the Academy of Motion Picture Arts and Sciences annual awards have proven fruitful sources of interest to moviegoers and have attracted more combined newspaper space than any promotion feature established by the industry. What is proposed is an expansion of this idea which will multiply interest many times because it enters the broad and productive field of audience participation. It certainly will not be denied that if 20,000,000 or more have an opportunity to vote for their favorites, they will Talk Movies, and will follow closely the week-to-week developments in the film poll.

I do not contend that the Gallup poll on double features is other than an honest attempt for national sampling on a particular question, and I admire Mr. Goldwyn's enterprise in trying to catch the public fancy or pulse on particularly controversial matter. But I also think that it is regrettable that, upon a point which he deems so important, he finds it necessary to enlist an outside agency with established machinery to discover "what's what."

Goldwyn Started Something

Goldwyn started something which VARIETY, with its admirable sense of news value, deems wise to follow up on in the interest of general reading. Nevertheless, the thought persists that the industry should have the research organization to do such sampling, not only occasionally, but frequently, as matters arise in which it would be desirable to have the opinion of exhibitors and those vitally concerned with the progress and success of the amusement business.

For 12 years I was a motion picture critic and wrote a daily newspaper column, but my entire life has been close to the industry and public amusement. I had the usual problem of those committed to a fixed typewriter output each 24 hours, about what to choose as the subject for a lead story, and especially Sunday leads. In my entire Washington newspaper experience as a motion picture editor I can't recall more than half a dozen calls

from the Will Hays headquarters on matters pertaining to the industry. From time to time I received copies of Mr. Hays' speeches, and at the regular periods copies of the annual report, but never was my aid or advice solicited for any cause in behalf of the industry other than requests from alert local exhibitors.

I say this without attempting to condemn the Hays office promotion policy, but more because I felt many times that instead of reading VARIETY and other papers for story inspiration, how nice it would be if I could pick up a weekly trade journal from the Motion Picture Producers & Distributors of America, Inc., and find out officially what was going on.

Speaking entirely from the Washington standpoint, which I happen to know, the relation between the official agency of the organized industry and critic desks could hardly have been more remote. While my feeling towards motion pictures and exhibitors was animated by the desire to be helpful, cooperative, sympathetic and understanding, I was never enlisted or even invited to help solve industry problems.

What were these problems? Well, the Neely bill, for example. This legislation, or something similar, designed to end blockbooking which has been a Capitol Hill nuisance for more than 10 years. This year it passed the Senate, and in April was called up for further hearings before the House Interstate and Foreign Commerce committee.

Those hearings developed the fact that the moral issue had completely blown up, or collapsed as a factor in the consideration of this measure. Now I assume it is possible that the moral issue, or the question of a clean screen, might have been a sore spot when the Neely bill was initiated. But the House committee in its exhaustive and painstaking hearings lasting approximately a month, brought out definitely and convincingly that the Joseph L. Breen organization, within the Will Hays setup, had done such a complete job of screen doctoring, that Congressmen for the Neely bill conceded that the moral issue, as such, no longer need occupy the attention of the committee.

Allied's Spot

This informal decision left Mr. (Abram F.) Myers and his Allied States exhibitors confronted with the task of justifying the bill by confining their arguments to trade practice. All of his estimable women witnesses demonstrated that they couldn't put a vestige of logic behind their plea for a cleaner screen, since it already existed almost beyond the realm of criticism, other than from selfish sources.

My point here is that the motion picture critics of America would have been surprised, had they been present at these hearings, to discover that the moral issue had evaporated, since there never had been much more than an inkling that the Breen supervision had reached such a high state of efficiency.

As a matter of fact not one motion picture editor—aside from trade representatives—appeared at the Neely bill hearings, although it posed something that vitally affected the industry, and indirectly the importance of their jobs. They just didn't care, because nobody had made it his mission to acquaint them with what a valuable fountain of source material was being overlooked.

The campaign against the Neely bill at the House hearings was a glittering success as projected by Mr. Charles C. Pettibohn, largely because the Allied cause was sunk when the moral issue failed to exist. What the Neely bill hearings did bring out forcibly was that the organized industry and the independent Allied exhibitors were fighting over something which never should have reached the hall of Congress, i.e., trade practices. I think critics would have been impressed, as I was, with the futility of a divided business, and the necessity of presenting a united front to the common enemy.

Tax Problems and the Boxoffice

These have something to do with the matter of attendance at the movies, since every penny tacked on to the usual scale of admissions affects the pocketbook of customers.

I recognize, as does every thinking American, that we must pay the price for preparing to keep Mr. Hitler where he belongs—far away from the Western Hemisphere. Preparedness is costing, and will continue to cost, a staggering sum of money. Existing revenue measures do not begin to cover the task of raising the billions already appropriated. I think the amusement industry must

be prepared to contribute its just share of this tax burden; and admit that there will be no honest complaint.

What I contend is that Congress has certain convenient ways of raising money, apart from elevating the income tax base. Four of these are more taxes on liquor, gasoline, tobacco and the amusement industry. They always come first, on the assumption that they are luxury levies. Well, let us concern ourselves with liquor drinking, pleasure driving and habit smoking are luxury practices. Most of us would be reluctant to give them up, and are resigned to pay for our indulgence.

But are movies luxuries? I contend that in the pattern of the average life motion picture entertainment has come to be an essential, rather than a luxury. I really mean it. And in business of maintaining national morale, and in furthering the defense program to which the Government and all of its free people are committed, the screen has its definite and useful purpose.

I have been reading VARIETY since its first issue, and I was for a short time its Washington representative. These extended remarks are addressed to my favorite Bible of the industry because, I feel sure it is one organ that tries to keep up with the parade, endeavors to sustain the clients and the industry which help to make its weekly visits possible.

In short, I think the motion picture industry, within the amusement business generally has been doing a Rip Van Winkle, insofar as Washington is concerned. The remedy does not lie in consent decrees. The answer is being on the job and keeping up with industry's progress.

Hays Pourwows

Continued from page 3

and directors of advertising and publicity to meet with the board of directors today so that there might be a general exchange of views on the situation.

"Out of such discussions come a clearer recognition of the industry's needs and a program to which the ability to make certain the continued supply of topflight entertainment demanded by our patrons in America who have always so generously supported motion pictures."

More Such Confabs

Hays said that these round-table discussions would be continued in the future.

Citing that America's intensified patriotism and interest in the problems of democracy and citizenship are reflected in this season's product, Hays claimed that world events have influenced the trend toward pictures highlighting American ideals, history and biography. Among these he included "Howards of Virginia," "Chad Hanna," "The Westerner," "Amazing Story of Sergeant York," "Brigham Young—Frontiersman," "Kit Carson," "The Californian," "Virginia," "Arizona," "Ramparts We Watch," "Meet John Doe," "Citizen Kane" and "Land of Liberty."

Hays said the screen has made its patrons living participants in their country's history for the last 25 years and this trend is strengthened in productions this season. He cited as part of this continuous stream of Americana, "Northwest Passage," "Drums Along the Mohawk," "Union Pacific," "Young Mr. Lincoln," "Abraham Lincoln in Illinois," "Gone with the Wind," "Show Boat," "Man of Conquest," "Story of Alexander Graham Bell" and "Edison the Man."

Hays' survey shows that production schedules reveal a great diversity of entertainment. He said there was keen interest in present-day themes.

The foreign situation and the way the continued bombing of the British Isles by Nazis has cut into U. S. distribution, he said, has formed the principal topic of conversation at the third quarterly meeting of Hays office directors last Wednesday (18). In addition, Will Hays, just back from Hollywood, gave a resume of developments on the Coast to Motion Picture Producers & Distributors Assn. directors.

The report of Major L. E. Thompson, general chairman of the Motion Picture Theatre Campaign committee for the American Red Cross, covering the forthcoming campaign to aid the annual Red Cross call next November also was handed the directors.

Hays leaves N. Y. the end of this week to go to French Lick Springs, Ind., where he will deliver an address Oct. 1 before the Indiana chapter of the Daughters of the American Revolution.



SITTING ON TOP OF THE WORLD!

"Boom Town's" booming!

"Strike Up The Band" is a ten-strike!

"Wyoming" is wonderful!

"Escape" is excellent!

"Third Finger, Left Hand" is a honey!

"Bitter Sweet" is bountiful!

"The Philadelphia Story" is a sweetheart!

You'll get it after the New Year!

And there's a flock more where they came from!

Enjoy That Friendly Company Feeling!

Theatres—Exchanges

Continued from page 8

He succeeds Joe Krenn, who is now the full-time projectionist there.

Briefs: Jack Cohen, one-time film salesman, now with Quality Premiums... August Gontin and Mary Demma added to staff of Jack Judd's Theatre Foster service... Jimmy Tolman, assistant to Joe Feldman, WB's advertising chief, addressed College Club of Carnegie on pix at organization's first meeting of the season... John P. Gorish, former manager of the Fulton who has been in Hollywood for two years, has completed a 60,000-word tome on show biz.

Alton Rea, assistant manager at WB's deluxe Stanley for several years, has been promoted to the management of the Regent, nabe house in East Liberty. He succeeds Henry Sutton, who resigned to go into his own business in New York. Bill Warrington, assistant at Regent, moves downtown to take over Rea's old post. Another promotion is that of Ed Horner, from assistant at Regent Square to manager at Sheraden for Fineman-Shapiro circuit.

Frank J. Harris and his nephew, John H. Harris, heads of Harris Amus. Co., have applied for a state charter to incorporate a new insurance firm here. The charter application proposes a corporation with 100 shares of common stock, par value \$50. Mrs. Anna Harris, who is a sister of Frank Harris, is the third incorporator. The new agency, which will deal in general insurance except life, is an offshoot of the old Harris-Lawrence Co., from which Harris withdrew a year ago.

Briefs: The Russ Wehrles are celebrating their silver anniversary... U. A. salesman Jimmy Nash's son back to Duquesne U. for his senior year... Ed Sigal, back on film row after managing the Boardwalk theatre at Rockaway Beach, N. Y., for the summer.

John Russell named manager of WB's Melrose theatre, newly-acquired property. He formerly served as real estate head for Moss interests, from whom circuit purchased house. Among WB assistants, Alfred Skigan goes from Kenyon to Erie; C. W. Olcott, formerly on managerial staff of William Penn hotel, to Mt. Oliver; Milton Golden from Schenley to Squirrel Hill. G. E. Rippe to Strand and Albert Shermel from Squirrel Hill to Melrose.

Rexy, South Philly, Sold
Philadelphia, Sept. 24.

The Rexy, South Philly, formerly operated by Stanley-Warner, sold last week by the Fox-West Coast to Philip Harrison for \$98,000.

First meeting of the fall season of the Showmen's Club held yesterday (Mon.) at Broadwood Hotel. The new quarters at 1315 Vine street will open shortly.

Harry Clemens, former manager of the S-W Parker, upped to helm of the Imperial-60th Street.

More than 100 exhibitors and

others connected with the film industry took part in the 15th annual golf tourney sponsored by the Variety Club at the Philmont C. C. on Friday (13).

Ben Harris, former boss of the Masterpiece exchange, opened the new distribution office of the American Film Exchange last week.

20th-Fox opens annual sales campaign Saturday (21). Skipped to speak here Herman Wobber, general distribution manager; Bill Sussman, eastern division manager, and Moe Levy, chairman of the campaign.

Alex Stiefel, operator of the Roxy, Roxborough, opened his new Boro in the same territory last week.

William J. Haggerty will manage the newly refurbished Douglass, replaced under the aegis of Nick Lucas.

'Fight for Life' Pare Lorentz documentary film, previewed by medical protest at the Studio last Wednesday (11).

Helen Alter, Metro exchange, married to William K. Willis.

Roxy, Atlanta, Recopens
Atlanta, Sept. 24.

Roxy theatre, formerly the Georgia, reopened with straight pic policy. House, dark during summer, for last two seasons had been operated on vaudeville policy.

Formerly under Lucas & Jenkins management, theatre's now being operated by Meyer hotel interests.

Tilting a Lance at Fate
Los Angeles, Sept. 24.

Bill Cox defied superstition to open his new chief theatre in Casa Grande on Friday, the 13th. He also operates the Paramount on the same town, devotes one house to week-end showings exclusively.

Irving Yates reopened the Savoy, San Diego, on a Saturday-Sunday policy, with pictures and five vaude acts.

Jack Anderson checked out of Exhibitors Service to become office manager of the Republic exchange in Portland, Ore. For years he had been a booker in L. A.

Daigler Quits Hamrick
Seattle, Sept. 24.

Hal Daigler, for many years with John Hamrick theatres and assistant to Hamrick since the consolidation of the Hamrick and Evergreen theatres here became effective, has resigned. Announcement soon expected as to new theatrical connection, with rumors of a new west coast theatre.

Daigler started at Blue Mouse for Hamrick in 1920, as house manager. Later he went to Minneapolis (1924) as city mgr. for Finkelshtein & Ruben. About 10 years ago he returned to the Hamrick organization.

In the new setup, Hamrick, who is city manager for Hamrick-Evergreen string, plans no replacement but will work even closer with the various

house managers, and with his secretary, Doug Forbes, who has served in that position the past 12 years.

Jerry Ross is back in Seattle, after four months emceeing at Orpheum (Sterling), Portland, which has discontinued vaude. Ross is again emcee at Palomar and vaude manager for the Sterling string here, which includes Rivoli, Palomar and amateurs at various places one night a week. Charles Barnes continues as house manager at Palomar.

Charlotte Theatre Sold
Charlotte, N. C., Sept. 24.

Sale of the Charlotte theatre property for a cash price of \$53,000 to S. W. Craver, has just been announced. Craver lives here and owns a chain of theatres in Virginia. The Charlotte is leased to Harry K. Lucas, operator of the theatre.

Henry London Anderson, of the Raleigh, has been named attorney for North Carolina Theatres, Inc., Wilby-Kinsey Service Corp., Southern Attractions, Inc., and affiliated companies, has resigned his connection with the theatres. He will take up the general practice of law in Fayetteville.

Granada, Denver, Full Time
Denver, Sept. 24.

The Granada, nabe, open during the summer three days a week, now operating full time.

William Rosenberg, son of the owner of the houses, made manager of the Bluffs theatre, Scottsbluff, Neb., succeeding Harry Rodell, who goes to manage the Delmar, Morrell, Neb. Joe Anderson, who has been in charge of the Bluffs, is now city manager.

The Rocky Mountain Screen Club and the Will Rogers Memorial Assn., through Rick Ricketson, president of the Screen Club, have donated \$10,000 to the new Robert Speer Memorial Hospital. The money will be used in equipping 12 rooms for children. The committee making the survey before allocating the money was made up of Ricketson, Earl Collins, A. P. Archer, Don Fidler, Henry Friedel and William Agren.

Britisher's U. S. House

Forum, Metuchen, N. J., leased to a corporation headed by Jack Davis of London, managing director of the Monstrosity Theatres, Ltd., circuit in England. This is the initial theatre to be acquired by the Davis group in its policy of expanding in U. S.

Davis plans to renovate, recarpet and air-condition the theatre. It was acquired from James Forgive, who has operated the house in Metuchen for the last 18 years, on 21-year lease. Berk & Krumgold, theatre real estate brokers, handled the transaction.

Par Selling

Continued from page 7

ture. In one of the circuit's more important situations, the local Chamber of Commerce, on the basis of when learning Saenger wasn't going to bring the picture in. Saenger controls this particular town 100%.

B&K's 'Ramparts'

Chilling on a circuit deal for 'Ramparts' We Watch' after it had played Chicago on a pre-release engagement, Balaban & Katz has now bought the picture on subsequent run following addition to 'Ramparts' of the material taken out of the Nazi-made propaganda film 'Baptism of Fire'. Deal was negotiated by RKO with John Balaban, after he had been shown the new version of the picture.

Jack Bannan of Astor Pictures has closed deals for a double program consisting of the streamlined version of 'Sky Devils' and 'Scarface' with two western pictures affiliated with Paramount. They are the Inter-mountain Theatres string in Utah and Idaho, and the Cooper circuit for latter's Colorado houses.

Fox-W. C. Well Set

Los Angeles, Sept. 24.

Fox-West Coast film deals for the 1940-41 season, which are being negotiated in New York, are practically all set, with final details likely to be washed up in the next couple of weeks. Charles P. Skouras, circuit prexy, has returned from couple of weeks in N. Y., during which time he sat in on several product confabs.

Skouras states that circuit, fully cooperating with attempt of producers-distributors to increase revenue this season, has signed deals to pay from 25% to 35% more for Class A pictures, but that this additional revenue is entirely dependent on what the studios turn out in the way of feature product. The better pictures, he states, the more money for the distributors and in turn the producers.

George Skouras, head of the Skouras Metropolitan New York theatres, accompanied Charles to the West Coast, planning to remain here week or 10 days.

Mrs. Carroll Scares Easy

Continued from page 4

Baron Ulrich von Gienanth, second secretary of the German Embassy in Washington, who visited me in my office just before Labor Day and threatened me with a suit if we used the German-made films in the picture.

"The action in Pennsylvania is definitely an outgrowth of that threat."

Emanuel charged that the board had given its approval of the film on Aug. 9 and also had okayed the inclusion of the German-made reels.

"On Sept. 6 we received the reels entitled 'Baptism of Fire' with instructions to drop one reel of the original version and substitute them," he said.

Charles Zagrans (manager of the RKO exchange) called Mr. Carroll and offered to send her the two new reels for her inspection but she said it wasn't necessary.

Mrs. Carroll admitted she had passed on the film on Aug. 9.

"At that time it consisted largely of news shots from the World War and a commentary. Subsequently, I learned that changes had been made in the picture, and I ordered it brought before the board again. We found they had substituted a double-reel of the German propaganda film and I immediately forbade the showing of it."

She admitted she had received a call from Zagrans informing her of the changes, but said he had given her the impression that the changes were only minor ones such as changes in the title, or something of that sort.

Press Spooks Censors

For its action the censors have been shamed editorially by every newspaper. Henry Murdock, drama critic for the Ledger, pointed out that the board's objection that it was Nazi propaganda was shown up by the squawks that have emanated from the German Embassy regarding the inclusion of the reels in 'Ramparts'.

The Philly Record said the board's action had made Pennsylvania 'look ridiculous'.

Mrs. Carroll's arguments that young men might be intimidated sounds strangely like the reasoning of the head-in-the-sand Chamberlain school that refused to realize the increasing might of Germany—a course that led to Munich and then to war.

The Bulletin printed man-on-the-street interviews condemning the censors' nixing of the film. Conyers Reed, Philly chairman of the Committee to Defend America by Aiding the Allies joined the attack declaring:

"If the 'Ramparts' We Watch' will awaken America to the threat of military force loose in the world, then it is good propaganda, and of the very kind that is badly needed in this country."

New York state and every state with censors has approved the film. We are all Americans, and if the censors of all others feel the film will awaken America to the danger, then it seems strange that our own board does not feel the same way.

See Reversal

Observers predicted that the courts will overrule the censors' ban. In the last two cases in which they turned their thumbs down on pictures they have been reversed. In the case of 'Spain in Flames,' Judge Louis Levinthal overruled the board and called censorship "a necessary evil."

The board's ban of 'Baltic Deputy' was upset by Judge Curtis Bok who declared the censors were "incompetent and prejudicial and abused its discretionary powers."

The disputed reels, which depict the conquest of Poland, were the same which were shown to Norwegian officials shortly before the invasion of Norway and Denmark. They have subsequently been shown to pro-Nazi groups in this country and have a secret showing before members of Congress a few months ago.

The film tacked on to 'Ramparts' was seized by British officials last April from the Transatlantic Clipper at Bermuda. First shown in Canada, it came into possession of the editors at the March of Time who added it to 'Ramparts' and changed the Nazi propaganda into a warning to America to rearm.

She Should Visit Yorkville

The 16 minutes of German film in 'Ramparts' has been compressed from a Nazi picture called 'Baptism of Fire.' They are also precisely the pictures recently seen at the 96th

St. theatre, in Manhattan's Yorkville (German) sector, under the title 'Feldzug im Polen' ('Campaign in Poland'). If they scare Mrs. Carroll in the serenity of a projection room, she should see them amidst the blood-thirsty cheers and shouts of a manicured pro-Hitler audience within two miles of Times Square.

Film is also the same as was said to have been shown in Denmark, Norway and other countries to soften them up prior to Nazi invasions. That story is undoubtedly the product of one of Dr. Goebbels' bright young men, or maybe even the Professor himself. The pictures are hardly calculated to frighten any person who gives them the slightest thought, let alone the patriots of a country where liberty is dear, where men, to preserve it, have conquered enemies with superior training, superior armament and less to fight for. Mrs. Carroll need have no fear on that score, even were the pictures as frightening as the Nazis would like their enemies to believe.

Not Too Irresistible

Polish blitzkrieg films, truth to tell, don't show the Nazis as irresistible at all. No one can be termed irresistible who is given no resistance. These films show parachute troops dropping from the clouds—but no parachutists on the ground to greet them. Tanks and guns coming through rivers—but no artillery to make difficult their way. Infantry advancing—but no machine guns spraying them down. The Nazi pictures are more of a demonstration than a battle. They are interesting, but not frightening.

Mrs. Carroll could hardly have done more of time a better service than to ban the film, with publicity that was bound to result. MOT must be suspected, too, of having inserted the German sequences, after release of the original version, at least partially for the publicity and exploitation value.

Free Shows

Continued from page 5

modate his child at the Lyric—mild you, not at the Hippodrome.

Rappaport admits that he signed Miller's orch with the understanding that there would be three broadcasts and that the figures for these would be either from the studio of WCAO, which can hold around 100, or a ballroom in one of the hotels, none of which holds more than 500. Instead, Chesterfield rented the Lyric and apparently announced it on the air, for Rappaport has been deluged with phone calls since Miller opened at the Hipp last Friday (20). There had been no newspaper advertising about the broadcasts up to Monday (23).

Happened Before

A situation similar to Rappaport's occurred late in June, when Miller played the Fox, Detroit, at a salary of around \$10,000. In that instance, Chesterfield rented the Shrine Auditorium, which seats 5,500, for the three broadcasts and put a big dent in the Fox's gross. Dave Ideal and the Skouras, who will operate the Detroit spot, put up a howl and demanded an adjustment on the band's salary from the General Amus. Corp., which manages Miller. They got it.

From indications, Miller for the first three days this week is running even with his last appearance at the Hipp a year ago, when Miller was not sponsored, and the total gross was \$19,500. The total, however, the house is figuring on only \$18,000 at the most, and probably less because of the broadcasts. The rub is the great difference in salary between Miller today and Miller a year ago. At that time the Hipp guaranteed him only \$5,500 for the week. By simple mathematics, Miller's current gross should at least be his pay boost, or be around \$22,000.

Rappaport has one consolation, however—WCAO—sent him four tickets for each of Miller's broadcasts.

Next week, Miller plays WB's Earle, Washington, but this circuit has made sure there'll be no such unfair competition. Contract stipulates that WB will broadcast from the little theatre in the Wardman Park hotel, which seats only 550.

Interstate's Two New Ones

Harlingen, Texas, Sept. 24. George Watson, manager here for the Texas Consolidated (Interstate), plans two new Valley houses. One will be built at Mercedes, and the other at Weslaco.

New York Theatres

GONE WITH THE WIND
G.W.P.W. will not be shown except at advanced notice, at least until 1941
For Reservations Call G-4-6464
ASTOR 100 W. 42nd St.
ALL SEATS RESERVED
Twice Daily 2:15, 8:15 p. m.

Beg. Friday, Sept. 27
JAMES ANN
CAGNEY • SHERIDAN
IN
"CITY FOR CONQUEST"
A NEW WARNER BROS. HIT
IN BOBBY BYRNE ORCH.
Late Film
NIGHTLY STRAND Broadway
& 47th St.

Held Over 4th Wk.
New York is a
Boon Town Broadway & 41st St.
Clark Gable • Spencer Tracy
Claudette Colbert • Robert Lamarr
"BOOM TOWN"
A Metro-Goldwyn-Mayer Picture
In Person Dr. I. Q. Ev. Mon. Nite

State (1940)
Last Times Wed.
"PRIDE AND PREJUDICE"
In Person
BILLY BEILS
Others
Starts Thurs. Sept. 26
Wm. Powell
Norma Maclean
"I LOVE YOU AGAIN"
In Person
Mickey Rooney
Others

MUSIC HALL
"THE HOWARDS OF VIRGINIA"
Spectacular Stage Productions

HELD OVER 5TH WEEK
Alfred Hitchcock's Production of
"Foreign Correspondent"
UNITED RIVOLI Broadway
ARTISTS at 49th St.
Doors Open 9:30 A.M. MIDNITE SHOWS

HELD OVER
"RANGERS OF FORTUNE"
A Paramount Picture
Starring
Fred MacMurray
Patricia Morison
Albert Dekker
Midnite Screen Shows
In Person
JAN SAVITT
ORO
ANDERS
SISTERS
JERRY
LESTER
Midnite Screen Shows

PALACE
Week Beginning THURS. Sept. 26th
GINGER RONALD
ROGERS • COLMAN
"LUCKY PARTNERS"
— AND —
"BEYOND TOMORROW"
Charles Winninger—Joan Parker

'QUEEN' CASE GALLS SCRIBES

A VICTORY FOR THE N.A.B.

The growing unpopularity in the United States of the dictators and all their works (and prophets) is partly the reason for Father Coughlin taking a reluctant and peevish sabbatical devoted to radio silence. The trend of events in 1940 did not favor his kind of radio incitement to bigotry. He'll be back, of course, if he can get back and if the developments of the future favor the stuff he dishes. But meantime the radio industry may breathe a sigh of profound relief. Temporarily, at least, one of the greatest problems that ever beset a much-badgered industry is on ice.

This, too, is a favorable opportunity for the National Association of Broadcasters to take a bow. For its great courage in going as far as it did, considerable commendation is owing. The N.A.B. naturally had qualms, because Father Coughlin is an enemy who inspires real fear and the religious cloak he uses is a further cause for disquiet. Nevertheless, despite all hesitations and the excessively careful choice of words, the N.A.B. did call a spade a spade, did make it plain it meant Coughlin and mostly, if not only, Coughlin. The trade association courageously refused to allow the sensational cleric to keep radio in hot water with the decent, tolerance-respecting people of America. It refused to be a patsy for every personal blitzkrieg of abuse which Coughlin directed, varying the target from time to time, against the President, the bankers, the Jews and whatnot.

Yes, radio 'conspired' against Coughlin. It was a conspiracy of self-defense, a conspiracy of decency, a conspiracy to stop free speech from running amok.

Neville Miller, Ed Kirby, the board and the leadership of the N.A.B., can view with satisfaction their part in ostracizing the great fountainer of bad feeling.

COUGHLIN'S FINAL RAP AT RADIO

Detroit, Sept. 24. With only two major stations willing to take him, Father Charles E. Coughlin bowed off the air. Balked by the chains, with only his originating station, WJR, Detroit, and WFIL, Philadelphia, and a handful of lesser stations willing to air his Sunday afternoon talks from 'The Shrine of the Little Flower,' the priest announced the end of his 13 years on the air through the issue of his mouthpiece, Social Justice. Coughlin had hoped to place 52 half-hour transcribed programs beginning Oct. 20.

In making known his decision Father Coughlin charged that 'men powerful in radio and other activities had long wished to silence him' and slapped at both Presidential candidates as committed to a policy of war. (Wendell Wilkie only recently renounced the radio priest's support when it was tendered to him.)

He would not return to the air, Coughlin said, until the nation ceases to be 'war-minded.' It may be 10 months. It may be 10 years.

Small stations which had offered to take him, indirectly took a slap, too, when he declared, 'As much as I would desire to resume my place before the microphone, I recognize how futile my efforts would be if they were restricted to a group of small stations handicapped by lack of power.'

'Graciously' In his charge that he had been gagged, Coughlin said 'so far as those seeking to ostracize me from the air have forced a decision upon me, with no alternative, I graciously accept it and extend to them my heartiest congratulations for all the future holds in store for them.' He traced 'virtual censorship' to the rule which requires radio stations to renew their licenses every few months 'with a commission dependent on the President.'

Meanwhile, Cyril Guthrie, for eight years Father Coughlin's accompanist on the radio, announced his retirement as musical director of the Shrine. He said it had nothing to do with the priest's inability to renew air contracts.

RUBICAM IN FRISCO

No Y.R.E. Office There, He States—Now Honeymooning.

San Francisco, Sept. 24. Possibility Young & Rubicam might renew plans to establish an office in Frisco was denied here by Raymond Rubicam during his honeymoon stopover. Agency exec wedded Bettina Hall of musical comedy at local church ceremony (16).

Firm is listed in phone book but that's as close as it ever got to establishing branch number being disconnected blank. 'We planned to open office or a new account about six months ago, but lost the account,' Rubicam said in denying any revival of idea. Deal which fell through earlier in year concerned Dole pineapple.

N.Y. Overseas Club Is Interviewed and It's Also an R.&R. Audition

While the Penn Tobacco 'Vox Pop' program is at the Overseas Press Club tomorrow (Thursday) night interviewing members thereof, the Ruthrauff & Ryan agency will be listening to the voices and the deliveries of the former foreign correspondents for a secondary reason. Latter are part of a package show, 'We Cover the World,' which Bernard L. Schubert has concocted and is peddling to R. & R.

This unique kind of audition (on another program) is by way of closing a time lag. Any audition record using commentators around a table would necessarily be 'dated' when heard but the 'Vox Pop' interviews in the Overseas Club will deal with events of the day when the prospective purchaser of the program hears it.

JOHNNY GREEN ENDS MORRIS-BIOW LINK

Johnny Green parts with the Philip Morris account (Biow agency) completely Oct. 26 after a two-year run for the cig manufacturer. At one time Green has played as many as three half-hour programs a week under this same banner. He's doing but one show now for Morris, CBS, Friday nights.

Ray Block will handle the Friday night event in addition to the incidental music for Morris; his other program on CBS is 'Crime Doctor.'

HIT 'FIXED UP' INTO A FLOP

Radio Writers Complain That Case Illustrates Need of Protection of Creative People Against Arbitrary Notions of Admen

SHOW FOLDS

Radio authors around New York City are considerably vexed by the history of what happened to 'Ellery Queen' after it went commercial and came under the domination of an advertising agency. They point to the case as confirmation of the fact that advertising men can deflate a good literary property and then pass the resultant black eye to the creative people.

'Ellery Queen' was one of the most successful and highly touted sustaining programs in radio history. On the Columbia network it ran 43 weeks with the popularity rating going up every week of the time. It lasted only 22 weeks under Gulf Oil sponsorship and was dropped last Sunday, rated as something of a flop, and its chances of finding a new sponsor not too bright. Radio author circles, who think they should have more to say about what happens to scripts, point out bitterly that two basic changes were made immediately and others were imposed later. First, the show was cut to 30 minutes, although the authors say, by every rule of professional judgment, the development of the literary formula required the full hour which had been used sustaining. Second, the deft direction of George Zachary, who fostered the show at CBS and put it across, was tossed away, the writers think, solely because he was not a Young & Rubicam man. He was retained on the payroll because he was part of the package price, but largely to twiddle his thumbs and eat his heart.

Object Lesson

This case is very likely to be cited in the future. Although most persons connected with radio 'flops' habitually forget them and never bring them up for fear of the deadly wise-crack and the snobishness that sneers at failure, with no respect for the circumstances. However, Young & Rubicam has already gotten some backlash, and all agencies may indirectly feel the emotional aftermath from all authors big enough or daring enough to assert themselves against being smothered by an agency conference system or kicked around by newcomers who had nothing to do with the creation of the program.

The authors, Manfred Lee and Frederick B. Dannay, are currently scripting a 'Thin Man' picture at Metro and are set for an 'Ellery Queen' and five more whodunit films for Larry Darnour at Columbia, but at present their broadcasting prospects appear slim.

Although there is good money in successful detective fiction writing, the real coin from such authorship lies in pictures and radio. Lee and Dannay have managed to crack Hollywood, but their successful ride of 45 weeks as a CBS sustainer, followed by 22 weeks under Gulf Oil sponsorship, has apparently eliminated them, at least temporarily, as likely name-radio authors. And although sponsorship on the air usually brings added prestige to sustaining writers, 'Ellery Queen' under Gulf bankrolling was generally regarded in the trade as having run down hill.

Lots of Tiffs

Possible tip-off on the situation may be found in the fact that after several weeks under Gulf sponsorship, Lee and Dannay had a series of quarrels with producers and executives of Young & Rubicam, agency on the account. After one particularly violent blowoff, the two authors refused to have any dealings with the Y.R. director of the

Networks Expect Daily Conferences With AFRA 'Til Agreement Is Reached

The Radio Way

Hollywood, Sept. 24. What might be likened to a vaude booker's nightmare is the CBS doubleheader on domestic problems taking off Oct. 5. First half of the dueler is Haven MacQuarrie's 'Marriage Club, Inc.', followed by the commercial co-op'er, 'I Want a Divorce.'

Both, on NBC last season, are devoted to the stormy voyage of the marital bark.

N.A.B. CODE INTO EFFECT BY OCT. 1

Washington, Sept. 24. Effective date of the commercial section of the National Association of Broadcasters' Code—adopted last year at the Chicago convention—was announced last week for this coming Oct. 1. Affecting small stations particularly, a limitation on the length of commercial copy—including that devoted to contests and offers—was placed as follows:

Daytime: 15-minute programs, 3:15; 30-minute programs, 4:30; one-hour programs, 9.

Nighttime: 15-minute programs, 2:30; 30-minute programs, 3; one-hour programs, 6. Acceptance of programs and announcements shall be limited to products and services, radio advertising, testimonials and other statements comply with pertinent legal requirements, fair trade practices and accepted standards of good taste, the NAB warned. 'Brief handling of commercial copy is recommended procedure at all times.'

In limiting commercial copy to the above-designated minutes and seconds, N.A.B. explained that the checks do not apply to participation programs, announcement programs, musical clocks, shoppers' guides and local programs falling 'within these general classifications.'

'Because of the varying economic and social conditions throughout the United States, members of the N.A.B. shall have the right to present to the N.A.B. for special ruling local situations which in the opinion of the member may justify exceptions to the above prescribed limitations,' it promised.

FRED STONE'S MENAGE

Wife, Daughters, Son-in-Law United in WOR Offering

Fred Stone and his family are starred in a new program being readied under the title 'The Stone Family Boarding House.' Cast will include in addition to the comedian, his wife, Allene, their three daughters, Dorothy, Paula and Carol, and sons-in-law Charles Collins and Duke Daly, plus the latter's orchestra.

Show was auditioned privately Sunday night (22). No sponsorship or network deal is set. Clifford Maitland-Sage is producing.

show. All subsequent communications had to be relayed by CBS director Zachary.

When the 'Ellery Queen' contract expired last Sunday (22), Gulf again picked up its Screen Guild series, which costs around \$120,000-\$150,000 to produce, as compared to the whodunit's \$40,000. Agency men, admitting that the account was well pleased with 'Ellery,' explained that Gulf prefers the prestige value of the Screen Guild names. Y.R. is now trying to find another sponsor for the series, so far without success.

Mediation sessions between the radio networks and the American Federation of Radio Artists, resuming today (Wednesday), reported making definite progress toward settling the dispute over a sustaining contract. Three meetings were held last week after the State Mediation Board stepped in with a last-minute offer to avoid a strike against sustaining programs.

Beginning with today's confab, it's feared that the gatherings will be held almost every day until the situation is cleared up. Although both sides are said to be more conciliatory than in the series of sessions before AFRA's membership strike vote, the network representatives are described as being particularly anxious to avoid an open break. Explained that the realization that if a settlement is not reached AFRA will undoubtedly strike against commercial programs as well as sustainers has sobered the broadcaster execs, who previously were unworried over the prospect of a sustainer-strike-alone.

With William H. Davis, State Mediation Board head, sitting in on the meetings, the conferees include Mark Woods, of NBC; Lawrence Lowman, of CBS; Julius Seebach, of Mutual; Emily Holt, George Heller and Henry Jaffe, of AFRA, and representatives from WGN, Chicago, and the Don Lee network. Although none of those participating would disclose specific details of the negotiations, several expressed satisfaction with the progress so far and confidence that a 'mutually agreeable' settlement will be reached.

MIKES IN U.S. COURT OKE FOR ALIENS

Detroit, Sept. 24. Approval to take its microphones into Federal court, a rarity, has been granted Station WJBK here. As a result it has put on the air four programs in the last month of the impressive ceremonies by which the foreign-born go through the final steps of their naturalization to become American citizens.

The programs originate directly in the U. S. District Court in the Federal Building here picking up Federal Clerk George M. Read administering oath of allegiance to hundreds of new citizens with the address to them delivered either by Judges Ernest A. O'Brien or Frank A. Pickard. Foreign-born listen heavily to the program the mail indicates—not unimportant with a dense foreign population here—and has won approval from many civic groups.

SARATOGA VICHY'S AIR DEBUT WITH HEALEY

Schenectady, N. Y., Sept. 24. Col. Jim Healey, who Monday night (23) did his final commentary on WGY for Sun Oil after almost six years' sponsorship by that company, will launch a half-hour Saturday evening series Oct. 12 for Saratoga Vichy. This will mark the first time Saratoga Vichy, a national advertiser, has used radio in an important way.

Healey's broadcasts, on the 6:15-6:45 block, will include sports as well as news comment. Leighton & Nelson is the agency and WGY the station. Meanwhile, Healey is doing a Sunday noon sustainer on WGY. It is also possible that he will soon begin a midweek night feature for another sponsor on WTIC, Hartford.

HAZARDS OF AIRCASTING IN LONDON

Staff men operating for the American networks in London have with one exception escaped unscathed from the Nazi's almost continuous September bombardment of the area. John Steel, Mutual's commentator, was hit by a fragment of a bomb while leaving the studios of the British Broadcasting Corp. a week ago last Friday (20), but his injuries weren't serious enough to require extended hospitalization.

Columbia's London gang is still without an office. A bomb last Tuesday (17) blew off the upper part of the Langham street building in which the CBS staff was quartered (a whistle from BBC) and so wrecked the furniture that not even a chair could be salvaged. Nobody was in the office at the time. Meanwhile the London CBSites are using Ed Murrow's personal apartment as their office.

William Shirer, Columbia's Berlin chief, narrowly escaped injury last week while driving home. He caught sight of an unfenced bomb crater just in time to swerve sharply and avoid going over the edge.

NBC's Fred Bate in London is still going strong.

The Imaginary Case Of Johnny Jones (an Am), A Wage Worry of Radio

Washington, Sept. 23. Dissatisfaction with the ruling of Col. Philip B. Fleming, wage-hour administrator, regarding the status of radio performers, was voiced last week by the National Association of Broadcasters. While Fleming ruled that entertainers performing directly from a radio station should be entitled to benefits from that station under the wage-hour act (Vander Sept. 18), and that performers receiving their pay from hotels, concert halls and other places where the radio program is broadcast only by "remote control" are the responsibility of the individual who employs them in the first place, N.A.B. complained that it takes only a glance to see that this memorandum leaves dozens of questions unanswered.

Just for instance, must a station now pay Johnny Jones 5 cents for playing his harmonica 10 minutes on a Saturday morning amateur hour?

N.A.B. inquires: "Trade body's labor relations director is taking up the matter with Col. Fleming and expects to give a 'full report' on Johnny Jones and other troublesome problems which pop up in the broadcast industry. Promises the low-down on a series of similar questions by next week."

T. R. YBARRA VICTIM OF NASH PROXIMITY

NBC-blue is now without a single news commentator filling a 15-minute spot on a sustaining basis. T. R. Ybarra, who had the 10-10:15 p. m. period across the board and had attracted favorable attention, was withdrawn last week with the entry of John B. Kennedy in the 9:30-9:35 p. m. spot, which shortly goes under the sponsorship of Nash. Ybarra will be used henceforth as a utility analyst.

Daily news periods on the blue now add up to 11, at least as far as the eastern portion of the network is concerned. This schedule is as follows:

Esso	7:55 a. m.
European Roundup	8:00 a. m.
Associated Press	8:55 a. m.
Esso	12:25 p. m.
Associated Press	4:55 p. m.
Esso	6:00 p. m.
Lowell Thomas	8:45 p. m.
John B. Kennedy	9:30 p. m.
Esso	11:00 p. m.
Associated Press	12:55 a. m.
Associated Press	1:55 a. m.

JOHN McNEILL GOES BLUE

John McNeill, of the NBC-red sales staff, has been transferred to the blue sales department. He will have several important account assignments.

1940-41 Producer Assignments

PROGRAM	ACCOUNT	AGENCY	PRODUCER
Abbott & Costello	Ipana, Sal Hepatica	Young & Rubicam	George McFarrell
Al Pearce	Camel	William Esty	Bill Moore
Aldrich Family	Well-O	Young & Rubicam	George McFarrell
Ask-A-Radio	Colgate-P-P	Benton & Bowles	Addison Smith
Aunt Jenny's Stories	Spry	Ruthrauff & Ryan	John Loveton
Battle of the Sexes	Molle	Stack-Goble	Joe Daly
Ben Bernie	Bromo Seltzer	Ruthrauff & Ryan	Lee Cooley
Big Sister	Rinso	Ruthrauff & Ryan	Bill Tuttle
Big Town	Rinso	Ruthrauff & Ryan	Crane Wilbur
Blondie	Camel	William Esty	Bill Moore
Bob Crosby	Camel	William Esty	Helen Phillips & Bernard Dougall
Bob Hope	Pepsodent	Lord & Thomas	Tom McAvity
Bob Ripley	Royal Crown Co.	B. B. D. & O.	Kenneth Webb
Burns & Allen	Spam	B. B. D. & O.	Wayne Griffin & Jack Smalley
Cavalcade of America	E. I. du Pont	B. B. D. & O.	Lee Cooley
Chase & Sanborn	Chase & Sanborn	J. Walt Thompson	Maurice Holland
Cities Service	Cities Service	Lord & Thomas	Norman Morrell
Col. Stoppang	Ironized Yeast	Kiesewetter	E. S. Baker
Court Missing Heirs	Philip Morris	Ruthrauff & Ryan	John Loveton
Crim Doctor	Pacific Boro	Blow	Jack Johnstone
Death Valley Days	Vaseline	McCann-Erickson	Lillian Steinfeld
Dr. Christian	Old Gold	McCann-Erickson	Joan Cannon
Don Ameche	White Laborator	Lennen & Mitchell	Bill Robson
Double or Nothing	Ipana, Sal Hep	Young & Rubicam	Ken Fickett
Eddie Cantor	Super Suds	Benton & Bowles	George McFarrell
Ellen Randolph	Johnson's Wax	Needham, Louis & Brorby	Jack Hurdle
Fibber McGee & Molly	Super Suds	N. W. Ayer	Cecil Underwood
Ford Summer Hour	Ford	N. W. Ayer	Bradford Browne
Ford Symphony	Ford	N. W. Ayer	W. J. Reddick & H. L. McClinton
Fred Allen	Texaco	Buchanan	Paul Monroe, Howard Reilly & Bill Shore
Fred Waring	Chesterfield	Newell-Emmett	Don Langan
Gene Autry	Doublemint	J. Walt Thompson	Tommy Starned
Glenn Miller	Chesterfield	Newell-Emmett	Don Langan
Good News	Maxwell House	Benton & Bowles	Mann Holiner
Grand Ole Opry	Prince Albert	William Esty	Harry Holcombe
Guy Lombardo	Lady Esther	Pedlar & Ryan	E. G. Sisson, Jr.
Hedda Hopper	California Fruit Growers	Lord & Thomas	James Fonda
Helen Hayes	Lipton Tea	Young & Rubicam	Adrian Samish
Hit Parade	Lucky Strike	Lord & Thomas	Gordon Auchincloss & Karl Schullinger
Hollywood Playhouse	Woodbury	Lennen & Mitchell	Murray Bolen
Jack Benny	Jell-O	Young & Rubicam	W. A. Tibbals
Johnny Presents	Philip Morris	Young & Rubicam	Henry Hull
Joyce Jordan	La France, etc.	Benton & Bowles	Jack Hurdle
Kate Hopkins	Maxwell House	Young & Rubicam	Bob Welch
Kate Smith Hour	Grape Nuts	Young & Rubicam	Carol Irwin
Kate Smith Speaks	Grape Nuts	Young & Rubicam	Ed Cashman & Karl Schullinger
Key Kyser	Lucky Strike	Lord & Thomas	Bob Brewster
Kraft Music Hall	Kraft Cheese	J. Walt Thompson	Lee Cooley
Lanny Ross	Campbell Soup	Ruthrauff & Ryan	Maurice Lowell
Lincoln Highway	Shinola	Benton & Bowles	Don Bernard
Luncheon at the Waldorf	Camel	William Esty	Sanford Barnett
Lux Radio Theatre	Lux	J. Walt Thompson	Bill Tuttle
Major Bowes	Chrysler	Ruthrauff & Ryan	Hendrik Booraem
Manhattan at Midnight	Emergence	Young & Rubicam	Diana Bourbon
Martha Webster	Campbell Soup	Ward Wheelock	Don Bernard
Meet Mr. Meek	Lifeguard	William Esty	Ed Byron
Mr. District Attorney	Vitals	Pedlar & Ryan	Bill Rousseau
Mother O' Mine	Clapp's Baby Food	Young & Rubicam	Bill Rousseau
My Son and I	Calumet Powder	Young & Rubicam	Theodore Barash
Myrt and Marge	Super Suds	Benton & Bowles	John Christ
One Man's Family	Tender Leaf Tea	J. Walt Thompson	Jay Clark
Parker Family	Woodbury	Lennen & Mitchell	Henry Larom
Paul Sullivan	Raleigh	B. B. D. & O.	Ed Wolf & Elisabeth Howard
Pepper Young's Family	Camay	Pedlar & Ryan	David White
Phil Spitalny	General Electric	B. B. D. & O.	Lindsey MacHarrie
Portia Faces Life	Post Toasties	Benton & Bowles	Paul Dudley
Pot of Gold	Tums	Stack-Goble	Don Langan
Prof. Quiz	Velvet Tobacco	Newell-Emmett	Frank O'Connor
Raymond Gram Swing	General Cigar	J. Walt Thompson	Kenneth Watt
Raymond Paige	Westinghouse	Fuller, Smith & Ross	Ed Gardner
Rudy Vallee	Sealtest	McKee & Albright	Roland Martini
Sat. Serenade	Pet Milk	Gardner	Harry Ackerman
Screen Guild	Gulf	Young & Rubicam	Tom McKnight
Sherlock Holmes	Bromo Quinine	Stack-Goble	Diana Bourbon
Short Short Story	Campbell	Ward Wheelock	Glenn Hall Taylor
Silver Theatre	International Silver	Young & Rubicam	Donald Cope
Strange as It Seems	Colgate-P-P	Benton & Bowles	Norman Morrell
Summer Pastime	Pepsodent	Lord & Thomas	W. A. Tibbals
Take It or Leave It	Eversharp	Blow	Arthur Daly
Telephone Hour	Bell	N. W. Ayer	Bill Tuttle
The Shadow	Blue Coal	Ruthrauff & Ryan	C. L. Menser
Tom Mix	Ralston Purina	Gardner	Charles Bulotti
Tommy	Nature's Remedy	Stack-Goble	Paul Dudley
Treasure Chest	Tums	Stack-Goble	A. K. Spencer
True or False	J. B. Williams	J. Walt Thompson	Hildegard Dickson
Uncle Ezra	Camel	William Esty	Lee Cooley
Uncle Jim's Quest, Bee	Rinso	Ruthrauff & Ryan	Nate Tufts
Vox Pop	Kentucky Club	Ruthrauff & Ryan	Blayne Butcher
Walter Winchell	Jergens	Lennen & Mitchell	Joe Hill
We, the People	Sanka	Young & Rubicam	Theodora Yates
Woman of Courage	Octagon	Benton & Bowles	Haven MacQuarrie
Your Marriage Club	Wonder Bread	Benton & Bowles	

BLACKETT-SAMPLE-HUMMERT DIRECTORS: Under the mode of operation in effect with the Blackett-Sample-Hummert agency nobody among the personnel holds the title of producer. They're known as directors and the agency's setup in this regard follows: John's Other Wife, Kolynos, Lester Vail. Romance of Helen Trent, Edna Wallace Hopper, Blair Walliser.

WCCO MAKES SERIES OF MINNESOTA LITERATURE

Minneapolis, Sept. 24. Stories by Minnesota authors will be dramatized for presentation over WCCO (CBS) here in a series of programs which the station will launch Oct. 8. Authors include Martha Ostenso, James Grey, William McNally and Margaret Culkin Banning.

TUCKER-BAKER OFF

End 39 Weeks on Lucky Strike Hit Parade. Orrin Tucker orchestra and Bonnie Baker are off the Lucky Strike Hit Parade after a 39-week run. Currently making a picture for Paramount, they will probably not return to the program. This Saturday night's (28) guests will be Marie Greene, coloratura singing singer, with Her Marry quartet. They played in Monday (23) from the Coast.

ALL-RED STATIONS FOR WESTINGHOUSE

Westinghouse will become an entirely red network account when it takes over the Thursday 10:30-11 p. m. period on that link's schedule early next month. Though it now originates over the blue, Westinghouse's Raymond Paige stanza is a mixture of red and blue outlets. Program currently occupies the Thursday 8 to 8:30 slot.

Near East Tension Cues Reshuffle Of NBC's News Setup

NBC has taken the opening of Italy's military campaign against the British in Egypt as a cue for the reshuffling of its overseas news coverage staff. It's augmenting the Cairo setup by moving Martin Agronsky, Balkan correspondent who hails from Atlantic City, from Bucharest to the Egyptian capital.

Similar staff expansion will be made in the case of Ankara, Turkey. The Near East staff is operating under the direction of Max Jordan.

Big Name Program With Mrs. F.D.R. From 8-H In Radio City For Democrats

Democratic National Committee will, as far as radio is concerned, confine itself to network broadcasting with but one exception. It will use spot in connection with the tour of Henry Wallace, vice-presidential candidate. Spot broadcasting will otherwise be left to the party's state committees.

First of the Democratic paid broadcasts done from a network studio will be that featuring Mrs. Eleanor Roosevelt, this Friday (27) over an NBC-blue hookup of 168 stations. It will be staged in NBC's largest studio, 8H, which seats 1,100 persons, between 9:30 and 10 a. m. Those slated to be interviewed by Mrs. Roosevelt during this broadcast are Katherine Hepburn, Edna Furbur, Marc Connelly, James Thurber, William Saroyan, Sidney Kingsley, Robert Sherwood, Alice Duer Miller and Dr. Frank Kingdon.

Lyn Murray's Original Music for 'Mother' Serial

Lyn Murray has composed the original theme music for the new strip serial 'Mother o' Mine,' which starts Monday (30). He also has been making a series of 13 one-minute dramatized spot announcements with music for Packard, Young & Rubicam is the agency.

Composer-arranger-conductor goes to Providence Oct. 13 to baton 'Ballad for Americans,' probably with Ray Middleton, for the local Community Chest. He will use a local orchestra and chorus. Murray last week turned down an offer to do the choral arrangements for the forthcoming ice show 'It Happens on Ice,' because he's busy doing a similar stint for the new Buddy DeSylva musical 'Panama Hattie.' Does choral arrangements for the Lucky Strike 'Hit Parade' and has sustaining spots with a quartet over CBS.

WILLKIE RADIO SHORTIES

Sherman & Marquette Agency Placing Them in Illinois

Chicago, Sept. 24. Sherman & Marquette agency has been retained by the Associated Willkie Clubs of Illinois to handle some other campaigns for Wendell Willkie's presidential campaign.

Agency is setting a flock of one-minute dubbed platitudes as many as possible of 28 Illinois stations. Announcements will be in form of interviews, Willkie answering specific questions.

Original negotiation on the advertising setup was made through James Douglas, chairman of the Illinois Willkie Clubs.

Wm. Hawes' New Office

William Hawes, who formerly operated Radio Script Service, now has a general agency for performer and writing talent. Has applied for licenses from Equine, Screen Actors Guild and the American Guild of Variety Artists. Will also be active in radio, but the American Federation of Radio Artists does not yet have any agency regulations or license requirements.

Hawes will have a small client list, mostly in radio. He has made arrangements with Hollywood broker for handling his people on the Coast.

SHUN HYSTERIA HANGOVER

Rash of War Songs Breaks Out

Now that the United States has embarked on its vast rearming program and military conscription has become a fact the flow of patriotic tunes into Tin Pan Alley is fast assuming the aspects of the 1917 period. The manuscripts are coming from veteran professionals as well as the new crop of established writers and professionals.

First of the songs on the conscription theme is being put out by Leeds Music. It's tagged, 'Is It Love or Is It Conscription?' Walter Bishop and Lou Singer are responsible for this one.

Mills Music, Inc., has four of the patriotic type set for publication. They are 'Who'll Take the Place of the Mademoiselle from Armentieres?' (George Graft, Jr., and George Weiss), 'Give the Stars and Stripes a Permanent Wave' (Moe Jaffe and Harold Greenspun), 'He's a Typical American Boy' (Thanks America) and 'Let Freedom Ring' (Santley-Joy-Select also has a candidate. It's 'What Will I Do If I Marry a Soldier?')

Shapiro, Bernstein & Co. likewise has a couple of entries in the patriotic sweepstakes. One's a new tune, 'Your Homeland and My Homeland', by Sam Lewis and J. Fred Coots, while the other is a new edition of Halsey Mohr's 1918 hit, 'Liberty Bell, It's Time to Ring Again.'

'What Are You Doing for Your Uncle Sam?' a patriotic tune now being used by the Bobby Byrne and Russ Morgan bands, is the first attempt at songwriting by a Robert G. Wallace of Westchester, New York. As with Irving Berlin and 'God Bless America,' Wallace is turning over whatever royalties accrue from the song's sale to charity. It goes to the Red Cross as does a portion of the take of its publishers, Green Bros. & Knight. Berlin's royalties go to the Boy and Girl Scouts of America.

P & G'S MANY TUNE CHANGES

Procter & Gamble is making a number of additional time changes in its list of radio shows. Most of the moves are effective Sept. 30, but others are as of Sept. 21, Oct. 4 and Oct. 21. Various agencies, products and networks are involved.

The Goldbergs' (Blackett-Sample-Hummett) moves from 1 p. m. to 5 p. m. over CBS. 'Woman in White' (Pedlar & Ryan), reported about to be dropped, moves from noon over NBC red (WEAF) to 1 p. m. over CBS. 'This Small Town' (Compton), at 10 a. m. over NBC red, will be heard only over the eastern hookup, while 'Houseboat Haul' (B-S-H) has the same time on NBC-S, but over a western hookup.

'Road to Life' (P. & R.), moving from 11:15 to 11:30 a. m. on NBC red, will be heard only in the east, while at the same time over the network's western end will be heard 'Kitty Keene' (B-S-H). Latter show moves from 5:15 on NBC red. 'Road to Life' will also have a second broadcast over CBS at 1:45 p. m. All the above are effective Sept. 30.

'Life Can Be Beautiful' (Compton) goes from 1:15 to 1 p. m. over CBS and a second broadcast from 5:15 to 5:45 p. m. over NBC red, effective Oct. 21. Instead of being dropped, 'The O'Neills' (Compton) remain at 12:15 p. m. over NBC red, but the second broadcast moves as of Oct. 21 from 5:45 p. m. on NBC red to 5:15 p. m. on CBS. Various other daytime program shifts have been reported previously.

Among the P. & G. night shows, 'Those We Love' (Kastor) started last week over CBS at 8 p. m. Mondays. 'Knickerbocker Playhouse' (Kastor) began last week over NBC red at 8 p. m. Saturdays and 'Everyman's Theatre' (B-S-H) premees Oct. 4 over NBC red at 9:30 p. m. Fridays. 'Truth or Consequences' (Compton) moves recently from 9:45 p. m. Saturdays over CBS to 8:30 the same night over NBC red.

Nan Elliott Departs

Columbia Artists, Inc.

Chicago, Sept. 24. Nan Elliott has resigned as chief of the Chicago Columbia Artists, Inc., office. Replacement at Columbia Artists here is Robert Hafler, who comes up from the WBBM production department.

Hafler was brought into CA picture originally to handle possible radio production twist on vaude shows booked into Riverside, Milwaukee, by CA here. Besides continuing to handle Riverside booking, Hafler will also o.o. the Chicago Women's Symphony show for Libby Owens-Ford which deals were set by Miss Elliott and Herb Rosenthal, CA chief.

WARNINGS TO RADIO, SHOW BIZ

Group of Experts in Propaganda Hold New York Meeting—Hope Showmen May Familiarize Themselves With Best Knowledge on Good and Bad Methods

FEAR 'BENDER'

A group of intellectuals, college professors and leaders of thought held a meeting at the Hotel Berkshire, New York, on Sept. 17, under the chairmanship of Edward L. Bernays, the public relations counsel. They drew up and signed a statement of attitude toward the problem of morale under democracy and the use of propaganda as an insurance policy for democracy. They also appointed two continuing committees to investigate and report on the probably best ways and means of setting up practical aids to sound, and brakes to bad propaganda whether America stays out or goes into war. They fear heedless, zealous propaganda almost as much as they value the right kind.

Stripped of all academic verbiage, the thing that apparently worries the best informed minds is that the United States does not go on another emotional bender as in the last war and end up with an awful intellectual hangover. It is their hope that the various opinion-moulding agencies, of which in 1940 radio is pre-eminent, will have the benefit of the best advice and that tomorrow's reaction will be borne in mind in lessening today's temptations (in propaganda effort) to get a quick but hysterical response from the populace.

This gathering of intellectuals both values and appreciates radio, the screen, the stage, song publishing and other channels under showmanship control. Its concern is that the kind of hate-glorifying reason-paralyzing stuff of the last war will be avoided. 'The Kaiser, the Beast of Berlin,' was cited as a type of film that drags the whole idea of democracy down to such a low level that it inflames and releases mob tendencies that ultimately corrupt and undermine democracy, producing fascism and nazism. The excessive everyday-sensational-on-propaganda of the Creel committee regime during the last war was the daddy of the greatest disillusionment and revulsion of mass feeling of modern times.

'Words Won't War' the last time, but lost the victory, the peace and the hope of world sanity. A repetition of this same kind of catch-as-catch-can propaganda in the present crisis would be a great calamity, most of the members of the all-day session at the Berkshire apparently agreed.

Quick Tricks Lose Game

The steps that should or can be taken to guard against the perversion of propaganda to unsound and unwise experiences and immediacies are not clear even to the savants. Somehow it is hoped a practical clearing house or contact system could be established, so that those men who create radio programs, make films, produce stage plays, write songs, etc., would have the benefit of the best modern knowledge on psychology, neurology and political science, and so that they would get a hint of the possible desirability or undesirability of using a particular kind of argument or using a particular trick of mob incitement.

The group apparently has no illusions of the wide chasm between their own more or less theoretical interest in the mechanics of democracy and the hard-boiled showmen who, in every national emergency, promptly, and usually instinctively, translate patriotic sentiment into en-

(Continued on page 39)

Special Board Over Radio As Part of U.S.A. National Defense

Sportsmanly P. K.

Chicago, Sept. 24. Indication of the general radio and baseball public was his voluntary gesture made to baseball-carrying radio stations last week.

Gratuitously phoned them to offer them privilege of passing up broadcasts of his Cubs games at home because they were out of the flag race, and gave them advance permission to take instead the out-of-town games of the White Sox, which still had a pennant chance.

SWAN SOAP'S \$12,000,000 B.R.

Young & Rubicam is reported lining up some radio material for Lever Bros. in connection with Swan soap, a new agency entry, but the chances of action aren't immediate.

Swan has been framed as a competitor to Ivory and the reports are that as much as \$12,000,000 has already been appropriated for a splash on the new brand.

Peeping in Windows One Fan Stunt for Visit Of Tom Lewis, Loretta Young

Troy, N. Y., Sept. 24.

Tom Lewis, radio director for Young & Rubicam and his bride of seven weeks, film star Loretta Young, came to Troy over the weekend for what they planned as a quiet visit to meet Lewis' family—mother, sister and brothers, one vice president of a leading local bank, the other, a doctor and best man at the wedding in Hollywood. However, Lewis, a North Troy boy, and his wife were recognized while shopping downtown. From then it was so hectic that they returned to the 'peace' of New York early Monday morning. Autograph hunters at St. Augustine's Church gathered by the scores Sunday morning and so many people prowled around the Lewis' homestead last that a police detail was necessary.

Such polite actions as peeping under lowered window shades and tramping on the lawn were the order of the day, as locals sought a look at Troy's first famous couple. Bell and telephone ringers were in full force and finally no attention was paid to the phone. The pair refused to pose for photographs, not wishing to have their married life ballyhooed.

Lewis made his radio debut with the WGY Players about nine years ago, working gratis at the start. Later he became an announcer and script writer at the Schenectady station.

Vox Pop Slant

Albany, Sept. 20.

Editor, VARIETY: To an innocent bystander it seems as though ASCAP is going to a helluva lot of trouble to keep its music on the air. If the public (bless them) will forget ASCAP's so readily and take up BMI's so quickly, what's the use?

Wouldn't a little more publicity help to get the public interested?

Radio programs have plugged BMI, but I have yet to hear an ASCAP song spoken of as such. Jay Rainer.

Washington, Sept. 24. President Roosevelt yesterday (Tuesday) signed an executive order setting up the National Defense Communications Board with James L. Fly, head of the Federal Communications Commission, as chairman. Rest of the board will consist of the chief signal officer of the U. S. Army, the director of Naval Communications, the assistant secretary of state and the assistant secretary of the treasury. Order contains a provision which prohibits any form of censorship, something about which the broadcasting industry was much concerned.

It will be up to the board to study the physical aspects of domestic broadcasting and recommend such precautions, supplementary facilities and reallocations as it should deem desirable under foreseeable military conditions. Also make plans for the speedy and efficacious use of all necessary facilities in time of military emergency.

Board's other functions include the consideration and preparations of needs for national defense, other Government agencies of industry and civilian activities; allocate such portions of communications facilities as are required by these groups and provide various control measures and control agencies necessary to handle non-military communications in case of war.

Army's Iron-Order

Washington, Sept. 24. Another coordinating, clearing house arrangement has been perfected to ease the mental strain of station operators trying to cooperate in the national defense program, but bewildered about pleasing everybody yelling for gratis time. The War Department has designated Major A. R. Ginsberg, special aide to Assistant Secretary Patterson, to try and iron out conflicts over programs about Army activities.

Difficulty cropped out following passage of the conscription bill. With the War Department still appealing for voluntary enlistments to bolster the standing Army, question arose about fitting in explanatory talks about the draft procedure and preparing copy so that the edge would not be taken off the spiels aimed at men who might sign up voluntarily for a regular hitch in khaki.

Then, too, there were some conflicts with the reserve forces. In many States a local naval reserve units and the National Guard outfits are asking broadcasters to help them fill gaps in the ranks. Some station proprietors wondered when the bugle calls would end.

Befuddled proprietors, even non-members, can get their troubles weighed through N.A.A., which will take up specific problems at the War Department just as it is doing with the National Defense Advisory Commission.

MARS ADDS 36 ON NBC RED

Chicago, Sept. 24. Mars Candy Company's Dr. I.Q. web, the NBC Red and will add 36 outlets starting Oct. 7 to make it a hook-up of 95 stations. Account is handled through the Grant agency here.

Larry Taylor Sings With Percy Faith's Orchestra

Larry Taylor, vocalist with the Charlie Barnet orchestra, leaves that spot the end of this month to start a 13 week stretch on the new Carnation-Milk program out of Chicago. Program, 10-11 p. m. on the NBC Red and Canadian Broadcasting spreads at 10-10:30 p. m. Mondays beginning Oct. 7.

Talent for the program also includes Percy Faith's band and Louise King.

26 RADIO REVIEWS

VARIETY

Words and Amateurs by Sal Hepatica

KATE SMITH
With Ted Collins, Willie Howard,
Luella Parsons, Tyrone Power,
Dean Jagger, Max Astor, Ted
Straeter Chorus, Jack Miller Or-
chestra, Andre Baruch
55 Mins.
GRAPE NUTS
Friday, 8 p.m.
WABC-RS, New York
(Young & Rubicam)

The main property of Kated, Inc. took to the rails Friday (20) and began another season. One of the few big-time, big-budget variety type entertainments still going strong, the Kate Smith Hour-less-five-minutes-for-Elmer Davis has changed comies this time. The graduates Abbott and Costello now have their own sponsor while the newcomer is that Broadway veteran Willie Howard (minus Eugene), who is trying his luck with the world's hardest-and-easiest congregation, the radio audience.

Following the Collins formula now familiar and requiring no detailed analysis, the program paced the socko singing of Miss Smith, the comedy session of Howard, the emcee and chorus work under Ted Straeter (fifth year and solid, advanced vocal harmonies), a slice of Hollywood preview, fine Jack Miller music and large, heaping servings of sentimental copy for Grape Nuts. Both the star and her manager-emcee pitch in on the pitch, so there is small hazard that even the most inattentive "wandering yokel" could miss the message.

A slick, topical, typical tieup had Raymond J. Kelly, national commander of the American Legion, on the program. Miss Smith and her band had her as a patriotic personage just a week before the Legion meets in Boston. It made a strong undercurrent of a phase of the state activity, Americans who come into town for their own, she having been going to town for the U.S.A. for the past several years, well before the present hourly-for-our-side thing grew so intense. Naturally the legionaire's presence-and emphasis-cued to the singing of "God Bless America."

Pretty gushy for masculine ears was the exchange of compliments between Miss Smith and the legionaire. Don't last long. Mary Astor, Tyrone Power and Dean Jagger offered a radioed excerpt from the Century-Fox's "Brigham Young" film. As with the average film preview over the air, the value to the program is mostly implicit in the stars who participate rather than in the dramatic and mastic velocity stirred up by the performance as such. It was passable but not distinguished radio drama, and inevitably the treatment of the historic events was on the diluted test side.

Willie Howard accomplished a respectable total of giggles with a monolog based on delivery more than gags, although the latter were bright. Many observers today doubt the smartness of using Hebe characterization, but snap judgment on this tickling matter is not to be made. Howard's ability to squeeze laughs out of a basically meagre line of chatter on his opening program emphasized his experience as a trouper, and suggested also that he faces an ulcer-promoting problem of material. Working alone, without stooges or foils, he is surely attempting it the hard way. On the whole, his first performance was okay. He got by on his nerve, his timing, his obvious professional promise. But the ice was still dangerously thin.

KNICKERBOCK PLAYHOUSE
With Lester Damon, Leslie Woods
Drama
30 Mins.
DRENE SHOWPOO (F. & G)
Saturday, 8 p.m.
WEAF-NBC, New York
(H. W. Kastor & Sons)

While in formula "Knicknocker Playhouse" is pretty much of a carbon copy of "The First Nighter" the Drene series shouldn't have any difficulty in making the grade so long as it sticks to the class of escapist literature which marked the initial program (22). Also so long as it does as neat a job of production.

"Stars Are So Distant" was the caption of the first event. It spun an easily digestible quality of romantic stuff. Boy meets girl. Boy's tycoon of a father figures her wrong, even though she's responsible for the boy's reform from "Mr. No-good." Many complications ensue, but love eventually wins out. Lester Damon and Leslie Woods, cast in the boy and girl roles, made lasting pleasure.

BESSIE BEATTY
Talk
45 Mins.
DOLLY MADISON ICE CREAM
Daily, 11:15 a.m.
WOL, New York
(Bessie Beatty)

Bessie Beatty, the new "Martha Dean" (although called by her right name, has the gift of gab. She demonstrated this conclusively on her inaugural broadcast Monday when she gave the necessary assistance from her friend, I. A. R. Wylie, the novelist, she kept the words flowing—and part of the time glowing—for 45 minutes. Anybody who has tried to span a mere three minutes on the air and almost not lasted that many ticks, will appreciate the sheer lung power, nerve strain and vocabulary of the performance.

Miss Beatty has a varied background as magazine editor and writer, European correspondent, wife of an actor, world traveler, and dilettante in many fields. She begins by saying she loves people, and makes that sound not only true but free of the gushiness such a statement would carry if uttered by most lips. Great exchange shines through her talks, and she was particularly lucky to have a warm-hearted and nimble-witted celebrity-friend to help her through the first session.

Programs of this sort intended for housewives are necessarily difficult for the male reviewer. But on the theory that merit usually makes the grade and people who can use the language without effort and with a verbal color palette aren't going to fail, it seems likely that WOR has a good bet and Miss Beatty a good chance.

Her lead-in was a model of all the arts of ingratiation. She took care to compliment the departing Mary Margaret McLeod to make it crystal clear to listeners who she was. She offered herself as the heiress to the crown and sought to transfer to herself the following of the long-run Martha Dean, who now is a flower in the CBS garden.

Miss Beatty gives the impression of having a lot crammed in her noodle. She dispenses warmth. Land.

MUSIC BY WOODBURY
With the Woodbury's Orch., Janyce Don, Bob Reese, Joe Kirkham and the Four Fellows
Sustaining
30 Mins.
RENEE, NBC, Salt Lake City
Daily, 10:30 p.m.

A nice half-hour remote designed to produce a mood of relaxation program is achieving its purpose with a blending of muted brass, woodwinds and effects of whirring and celestines. Thoroughly in harmony throughout, the show is written, directed and produced by Woodbury, who in addition makes a fourth in the Four Fellows quartet.

Shue caught, followed the usual pattern of a ballad by Reese, blues song by Janyce Don, novelty vocal number by the Four Fellows and a popular number by Kirkham, interspersed with numbers by the orchestra. Varied between sweet, Latin and subdued swing, "Dancing on a Dime" and "Hear Music" from the popular picture, "Dancing on a Dime," were introduced for the first time on the Coast and Bob Reese sang a new ballad "And Time Stood Still." Woodbury's own composition, which should be nabbed by any publisher wanting a drip ballad.

Mood of show is well maintained with celeste playing between each number to provide background for announcements. Tom Cafferty, whose voice is well suited to theme. Copy fits in neatly.

COREY THOMPSON
15 Mins.-Local
TROY LAUNDRY
Daily, 7:30 p.m.
CFCE, Montreal

For eight years, via 2,000 broadcasts, Corey Thompson has been wising up the youngsters in the greater Montreal area about such varied matters as the difference between a tortoise and a hare, how much a near cub weighs, why there are large hollows in potatoes, and the astonishing news that white cats are deaf.

Thompson has become something of an institution. The same voice, of the same sponsor, the same program pattern, with the never-failing easy, conversational style, the chief delivery and encyclopedic question and answer formula. For nearly a decade Uncle Troy has been "must" with the juveniles and a great many of the older folk as well. He has made a vast store of scientific and general knowledge palatable because he has made it easy to understand.

Thompson disavows all affection in delivery and although he reaches a juvenile audience, dishes it out straight. Perhaps that accounts in a large measure for his vast following.

"FIVE SONGS FOR DEMOCRACY"
With Paul Robeson, M.C.
30 Mins.-Local
Sustaining
Tuesday, 9 p.m.
WQXR, New York

WQXR intermittently makes a special one-time program out of some record or a cry of unusual phonograph records. Such was this program. The discs were recorded in Barcelona, Spain, during the civil war by anti-Fascists. They have the quality of uniqueness implicit in their history and associations.

Without explanations and identification, they would be to the average listener a mere melodic jumble, not very clear melodically and not too certain mechanically.

Paul Robeson, the Negro basso, turned M.C. for the occasion and provided the context for the discs, property of publisher Bennett Cerf, some significance. They are almost folk-like numbers that were composed by folk-poets and conditions during a period of crisis. The accompaniments are by such thin instruments as the harmonica.

By projecting the listener into what he hears, the listener may manufacture a kind of disembodied emotional experience from such artistic remnants of a great class struggle. But the listener who cannot or will not bring his own imagination would probably say, "Is that shortwave?" Land.

YOURS FOR A QUARTER HOUR
With Janyce Don, Bea Morin, Frank Stewart
15 Mins.-Local
Tues.-Thurs., 10:30 a.m.
SAN ANTONIO PUBLIC SERVICE
KTSa, San Antonio

Long a sustainer on local kilocycles, this program at last has found an ideal sponsor in this public utility. Aimed at the housewife, program stresses "let electricity be your servant."

Mexican amateurs have this in common with American amateurs: nervousness. Their singing has an unmistakable tremolo, their dramatic recitations are possessed of a wild-eyed, dry-dropped, scared-stiff earnestness. They are anxious, sincere and listening with one ear for the gong. And like American amateurs some few of them have promise. An occasional martie is in, fact, self-assured and poised. They are, as a show and a phenomenon, somewhat funny, somewhat pathetic and very human. At XEW, Mexico City. They compete so many each week for the right to compete later on in a grand prize of 4,000 pesos which they prefer to the round trip to New York that was once the first prize. The weekly winners receive a nominal sum immediately and appear on the next broadcast as guest "premios" (stars).

The so-sincere-it-hurts quality in the amateurs is matched in the largest studio (300 seats) of XEW by the lusty-lunged rendition by the audience, of a spirited march in praise of Bristol-Myers' well-known size phiz. As Juan Garrido's orchestra strikes up the tune, as Chief Announcer Pedro De Lille and emcee-comic Julio Zetina encourage all to join in, and as a young Mexican equivalent to a cheer leader bobs out of the wings to lead the song, the crowd happily gives out words which even in Spanish give the American radio-trained ear sense of hands-across-the-border kinship. Let no one say Mexicans and Americans represent different cultures. After all we share Sal Hepatica in common.

The words are definitely worthy of publication in this journal of 20th century wonders:

Sal Hepatica, Sal Hepatica, que sabrosa y rica es
Es Lazante infalible y corrige la acidez
Siempre tomela de manana, antes de ir a trabajar
Sal Hepatica, Sal Hepatica una sola hay nada mas.

Land.

DOC JENKINS
With Tony Holland
"Midnight Variety Hour"
120 Mins. (Records)
Participating
Mon.-Sat., 12 p.m.
WHOM, Jersey City

Said to be a lawyer with midwest little theatre experience, this newest of the early-morning between-the-sleepers in the Greater New York area is hiding his identity behind the tag of "Doc Jenkins." He has a strong trace of Boston in his accent, with a touch of Ohio, though that may be the stage influence.

He has a distinct air personality and, despite the fact that probably few New Yorkers dial the Jersey City station, would likely draw a considerable following. However, the Doc's brand of splicing seems unsuited to the post-midnight hour at which he's scheduled. Most successful record-change.

Two hours go in for flip stuff, frequently with a sly risque flavor to catch the cab drivers and stay-outs presumably listening at that time.

But the Doc's line of gab sounds as if he might be a former school teacher or minister. He dwells on the verities and the good old moral values, using a drawing, casual and distinctly personal kind of informal approach. The following caught last Thursday night (5) he read a list of couples celebrating wedding anniversaries, then dedicated the song "Maytime" to them as "Wags" who don't get divorced. He also likes and stresses semi-classic music, waltzes, folksongs and such. In announcing one selection he mentioned something about the Spanish title, admitted frankly that he wasn't sure of the accurate translation and added, "But I'll look it up." As another tip-off, he referred to announcer Tony Holland as "my old man." Whole approach should appeal to armchair dialers, but seemed a trifle long-hair for the kind of populace on the loose between midnight and 2 a.m.

Two-hour program uses transcribed participating commercials. Hobe.

"FILBERT PHILHARMONIC"
Novelty
15 Mins.-Local
Sustaining
Monday, 7:15 p.m.
KFO, San Francisco

Idea of gagging jazz a la symph has been kicked around a lot during past months, but nobody has yet touched knife-edged humor of Tony Freeman's "Filbert Philharmonic," one of the originals. Regularly a bass player in local NBC staff orchestra, Freeman has a distinct pen, but works only on inspiration. Not long ago he turned down a lucrative syndicate bid for that reason, preferring not to be tied down to a quota.

As altered script is read by Archie Presby very much after manner of Million Cross, with musical passages illustrated by Clancy Hayes, guitar; Harlow Burgess, trumpet; and Roy Harrington, clarinet. Tunes like "Walking the Dog" are broken down and analyzed at great length. Questions also answered, example being description of harp as "peculiar and unworldly way of playing a piano out of tune." Heavy dignity with which idiotic lines are read is good for real laughs.

"GOOD OLD DAYS"
Will Aubrey, Ray Harrington Orch.
30 Mins.-Local
Sustaining
Fri., 8:30 p.m.
KGO, San Francisco

"Good Old Days" is a type of show all too scarce on the radio. It is human music to appeal to a.p.s. in particular, feature dips into pockets of the Bert Williams era with personal memories by Will Aubrey.

Aubrey, old-time vaude trouper known as the "Bard of the Byways," has a rich, deep voice and vividly sets the scene for the bygone melodies. Even the young ones who know little of the period are by reputation should feel the nostalgic twinge when Aubrey gets under way. Aubrey always includes at least one of the ditties that made Williams famous.

Musical background is all brass and reed, 13 pieces under Ray Harrington, Paul Martin, Expo bandleader, sits in on banjo. Barber Shop Quartet also is a highlight, and somewhere in the program Aubrey goes into an old-time patter routine with Lew Dunbar, another vet who used to be Will King's Irish comic. Aubrey writes the show, and insists the period tunes be played authentically and not lived beyond recognition, which is one of the charms of the stanza.

Wern.

"CLEM AND MAGGIE"
With Cal and Bonnie West
Drama
15 Mins.-Local
Sustaining
T-T-S, 7:45 a.m.
WLW, Cincinnati

Written and directed by Hank Richards, this stum, which has been on the air for some weeks, has broiled into a heapin' helping of potent corn that's heady enough for commercial success. It's a homey treatment of folks down Ozark way. (On one sequence, three calves were born on Clem and Maggie's farm. A \$25 cash prize was offered by the station in suitable thanks for the triplets. The stunt fetched \$3,827 mailed replies.)

Principals, Cal and Bonnie West, teamed in tabloid and tent shows and vaude for 13 years. Richards caught them in a Cincy nitery several months ago doing a burlesque on a hillbilly act and signed them for the Crosley stage. They do a sincere job with the scripting, which is rich in back-yonder situations and dialog. Occasional incidental parts are done by a few local players, including Billy Brown and Sleepy Minnie of the Drifting Pioneers, and by Lenore Burch of the Novelty Aces, on the WLW talent corps.

BROWN IS LEFT DANGLING

From the Production Centres

IN NEW YORK CITY

'We, the People' will celebrate its fourth anniversary next week with a repeat presentation of some people whose stories clicked to the point listeners asked their return.

Paul Loesche, son of the late John Loesche, CBS production man who was associated with the Kate Smith program for several years, has joined Jack Miller's orchestra on the same show...he's a cellist...Dick Liebert, organist on 'Mr. Keen' and at the Radio City Music Hall, has composed a piece called 'Ballet,' which the Hall may do as a stage production...Linda Watkins added to 'John's Other Wife'...David Jordan also newcomer on the show...Effie Palmer, already doubling on 'Just Plain Bill' and 'Orphans of Divorce,' being considered for a part in the new Eddie Cantor show...Karl Swenson, of 'Lorenzo Jones' and other shows, signed as a contract player for 'Cavalcade of America.'

Anna Erskine, currently assisting Joshua Logan with casting and staging the legit revival 'Charley's Aunt,' will again script 'Metropolitan Auditions of the Air' when it returns Oct. 20 to NBC blue (WJZ) for Sherwin-Williams paint...Tom Powers back on the air with 'This Is Not New York' twice weekly over NBC blue for Chase Bank...Burl Ives, NBC singer, doubling Club Continental, N. Y., starting tomorrow (Thursday)...Jim Britt, sports director of the Yankee network, will do the play-by-play accounts of the Yale football games over WOR-Mutual.

Mel Allen making a series of recorded Procter & Gamble spot announcements for the Compton agency...Dorothy Goodman, formerly of the WINS publicity staff, now free-lancing...Raymond Gram Swing will resume his series of once-monthly broadcasts to the British empire via BBC for the next four months...Marty Glickman, WGN sports announcer, engaged to Marjorie Dorman, former 'Scandals' dancer.

IN HOLLYWOOD

Jack Van Nostrand flew in from New York to help launch Silver Theatre Oct. 6. Laurence Olivier leads off in the guest spot and Henry Charles barks the commercials...Florence Ryder 'essaying' the role of 'Nancy Dixon' for Sanfordized while Helen Harper takes a respite from her shopping duties...Tobe (cr) Reed drives the Fitch Bandwagon on the new fall series leading off with Artie Shaw from Frisco Oct. 6...NBC putting wings into Bar of Music and Palladium for dance band remotes...Maxine Guley, air chanter, and Joe Malone of KNX script staff, take the vovs Sept. 28...Loretta Young east with Tom Lewis to meet his folks and do 'Lost Colony' on Cavalcade of America Oct. 2...Bud Hiestand draws the Barker role on Gulf's Screen Guild Theatre...John Conte, last season's speller, now in New York to try his luck at legit...Ken Barton on KJL announcing staff...Diana Carlson, formerly of Edgar Bergen's writing battery, sold a yarn to Old Gold for dramatizing by Don Ameche and Claire Trevor...Trade got a laugh out of palm reader in 'Kitty Kelly' serial who answered to the name of AFRA...NBC's Hollywood Tomorrow goes transcontinental on the blue air a Coast trial...Ted Hediger writes and produces half-hour variety show...Nearly every femme warbler in town trying out for the spot vacated by Judy Garland on the Bob Hope show...Rudy Vallee bringing his Sealtest troupe back to Hollywood Oct. 17...Dick Webster, Don Lee promotion manager, seriously ill at his home...David Broekman east to talk a-radio deal.

IN CHICAGO

Dick Todd off to Coast for Columbia flicker test...Doghouse show for Brown & Williamson tobacco set for personal at the loop Oriental...Mary Virginia Lee into east of 'Scattergood Baines,' Sunda Love into 'Right to Happiness'...Mary Patton back from Florida visit...Charles Laughlin did a little rehearsal yelping as to the suitability of his WGN script but finally got together with producer Bill Bacher...Ruth Bailey added to 'Romance of Helen Trent'...Robert Brown and Ray Wilson have written a picture script titled 'You'd Be Surprised' which is destined for the Orin Tucker-Bonnie Baker film...Betty Lou Gerson replaced Anne Seymour in the title part of 'Mary Marlin'...Miss Seymour now located permanently in New York.

John Hodiak and Carl Kroecken added to east of 'Arnold Grimm's Daughter'...WLS sending the National Barn Dance show and broadcast to Omaha where it will originate on Oct. 5 at the food show...Dinning Sisters personal at the Chicago State-Lake for week of Sept. 27...William Murphy, NBC central division continuity chief, directing local NBC continuity school for NBC employees.

IN SAN FRANCISCO

Start of Standard School Broadcast on Don Lee web set back to Oct. 17...Symphony sponsorship begins Oct. 3...10,000 copies of American Japels flags distributed at two-bits by KROW in 30-day period...John Potter of KROW spending vacation making home film entitled 'These We Defend,' story of American family life...Bill Pabst, KFRC chief, now a member of Salvation Army Advisory Council...Henry Busse cutting tune written in collab with Dick Aurandt, KSFO musical director...called 'Serves Me Right' and goes out under Decca label...Archie McKenzie, of British Broadcasting Corp., inspecting NBC in study of American ether technique...Scotsman on year's assignment, being scheduled to return to London next summer...Gail Page visiting friends...Art Linkletter, Mel Venter and Hal Wolfenden football commentators to assist Associated Sports-casters in this area.

NBC's Al Nelson back on job after prolonged but not pleasant absence. During Denver jaunt, exco's son, Alvin, was stricken with throat ailment. Irene Rich vacationing with her daughter...May and Peter DeRose ('Wagon Wheels') guests of Mr. and Mrs. Al (NBC) Nelson...Sam Hayes doing his early-morning Red net newscast from KPO studios while in town...Whole NBC staff going in for speeches, with George Fuerst, traffic chief, addressing Young People's Biz League, Bob McAndrews, promotion head, addressing the Fraternity Club; Ray Rhodes, salesman, heading Community Chest speech drive, and Jennings Pierce, aggie and educational director, facing crowds at L.-A. County Fair...Sol Hurrok's M. Y. booking agency has taken Clarence Pottinger from Frisco's radio circle...she had just checked out of her post as secretary to Alex Haas of NBC artists' service here.

Wayne King-Buddy Clark

Due Back For Cashmere

Chicago, Sept. 24. Wayne King orchestra with Buddy Clark returning to the Colgate Cashmere Boquet product.

Will again originate in Chicago, through the local Sherman & Marquette agency.

Wilhita Sponsors Co-op

Wichita, Kas., Sept. 24.

Henry's Clothing Co. here will be local sponsor for 'Show of Week' over Mutual station KFBI here each week at 5:30 p.m. Sunday. Buddy Clark is show's master of ceremonies.

Clothing store is one of group of merchandise firms which met in New York.

NEITHER IN, OUT: SENATE STALLS

Congressmen Apparently Feel Time Ripe to Really Punish Commission, as Such—Low Repute of Body Rather Than Case Against Brown Individually Responsible

AWKWARD SPOT

Washington, Sept. 24.

With weary solons driving for adjournment inside of 10 days, Thad H. Brown, veteran of a decade of service with the Federal Communications Commission, appears fated to die on the vine. His nomination for a full seven-year term on the FCC this week is regarded doomed to be technically rejected through failure of the Senate Interstate Commerce Committee to hold a show-down meeting.

Reports that President Roosevelt might recall the nomination, sparing Brown the humiliation of formal defeat and making it possible to name someone to fill the vacancy which has existed since July 1 have died out. Friends of the Ohio Republican say he wants the issue settled, explaining he is confident that if it ever comes to a vote he will command an adequate majority both in the committee and in the Senate as a whole. There will be only two or three votes against him in the committee, intimates maintain. General feeling now is that if Roosevelt ever thought seriously about withdrawing the appointment, he would have acted before.

Wheeler Stalls

As things stand, Chairman Burton K. Wheeler is not disposed to call his crowd together to debate what to do about Brown. Instead, he is willing to leave the matter on the shelf, since the appointment cannot be carried over until next year. Wheeler, outspoken Montana Democrat, has shown plainly he does not consider Brown qualified for the responsibilities attached to the FCC job, but apparently would prefer not to have a tug-of-war.

If Congress quit sine die without acting on the Brown nomination, a rare situation will exist. While the appointment will not have been either rejected or recalled, the Ohioan will continue to be off the payroll and, furthermore, ineligible for a recess appointment. But the President would have the right to name somebody else to his job, sending the nomination to the Senate when it reconvenes in January.

The sentiment within the committee, as a result of tedious and rambling hearings into the chain-monopoly report, CBS-Paramount Pictures relations, and the RCA efforts to dodge the 1932 anti-trust suit trial, is that many members feel the present is a good time to begin cleaning up the Commish. While few individuals feel Senator Charles W. Tobey, who wielded the tomahawk, proved anything that was very discomforting or embarrassing to Brown, the Commish has fallen into such bad repute that the opportunity should be seized to stage a blood transfusion.

Worst that has been said about the veteran Commissioner is that he made a very poor witness and showed himself as inexcusably uninformed about what goes on. Some solons felt he failed to demonstrate sufficient concern about the obligations imposed on the regulatory body, while others—including fellow Republicans—think he made a great mistake in not admitting some of the insinuations and replying "so what?" to Tobey's pounding. But even lawmakers who consider much of Tobey's effort had no relation to Brown's fitness for office take the view that he should be replaced.

Just as Brown's nomination is expected to expire, there is little like-

Add 102, Drop Nine, Stations

General Foods' recent action in experimentally dropping five NBC red stations to test for its own satisfaction if long-established popularities of high-rating C. A. B. shows can pull listeners from a local station to a nearby clear channel carrying the same show is considered by network officials to be against, not with, the tide of coverage events. Tendency of big network advertisers for the past year or two has been consistently in the direction of enlarged hookups.

NBC points out that in the four weeks from Aug. 15 to Sept. 13 inclusive, 102 stations were added to the Red Network accounts and only nine stations dropped, a net gain of 93 stations. In addition to the five stations dropped by General Foods one station was dropped by General Electric, two by Lewis-Howe and one by Dr. Miles Laboratories. The following are the accounts which added stations, showing the number added by each: Brown & Williamson... 1

General Electric 5 (net gain after dropping one equals 4)... 5
General Foods 1 (net loss after dropping 5 equals 4)... 1
S. C. Johnson 12... 12
Lewis Howe 3 (net gain after dropping 2 equals 1)... 3
Mars Candy... 38
Miles Laboratories 6 (net gain after dropping 1 equals 5)... 6
Philip Morris... 10
Papadimit... 1
Procter & Gamble (Friday 9:30 to 10 p.m.)... 6
Procter & Gamble (Saturday 8 to 1:30 p.m.)... 14
Sealtest... 1
Standard Brands... 4

Spreads to Columbia

Meantime General Foods has decided to extend its experiment on overlapping coverage reduction to the Kate Smith program. It's eliminated from the CBS list three local stations which it figures fall within the signal of clear channel CBS outlets.

As in the case of the Jack Benny show, checks will be conducted on the affect these eliminations have had on sales and listening in the communities covered by the local stations. The local stations dropped from the Benny hookup number seven.

Brazil as NBC Blue Radio Sponsor; Mexico Only Previous Example

E. L. Padgett Managing

WMJM, Cordele, Georgia

Cordele, Ga., Sept. 24.

Executive staff of WMJM, the Cordele Dispatch's radio station, has been set. Lineup includes P. L. Padgett, as station manager; Harry G. Clark, commercial manager; Noel Martin, chief engineer; and E. M. Stewart, program director.

WMJM is scheduled to begin operations around Oct. 1.

Jerry Danzig's Brainstorm

Thinker-uppers at WOR, New York, brooding over ideas to bally-

hoo the Gillette razor broadcasts of the World Series games over WOR-Mutual, have come up with a couple of stunts for the coming week. Both are figured sufficiently balmy, but still not outrageous enough to bring the gendarmes into action.

About 1,000 buoyant rubber balloons, carrying hoopla printed messages, are to be released in Times Square this Saturday noon (28). Certain share of them will carry lucky numbers, and those who catch the latter ones when they descend will be given free portable radio receivers. Station is trying to get Carol Bruce, singer in 'Louisiana Purchase,' and Waite Hoyt, sports commentator and former Yankee pitcher, to release the balloons.

Other stunt will be pulled next Wednesday (2) when a couple of dozen youngsters wearing baseball suits with WOR insignia will be spotted in various key locations throughout New York. Kids will carry portable sets, which will be tuned to the WOR baseball broadcasts, and they will also lug signs saying, 'Ask me the score.' Gags are the legal mental offspring of Jerry Danzig, WOR press head.

lihood anything will happen to the resolution introduced by Senator Tobey in another effort to bring about Congressional investigation of the regulatory unit. The New Hampshire crusader has made no serious effort since the hearings ended, almost a month ago, to get a vote on his proposal; in fact, he had been away from his office a good part of the last four weeks. Apparently he is reconciled, willing to stand pat until next year on the record already made and the suspicion stirred up.

United States of Brazil has become a customer of the NBC blue network. It's bought a hookup of eight major city stations for a program featuring Drew Pearson and Bob Allen, with this Sunday (29) the starting date. Period, 7-7:15 p.m. is opposite Jack Benny, the first commercial competition that the latter will have had since he's had the current spot on the red network. The limited hookup constitutes a test. If the arrangement clicks the list will be extended.

Last Latin-American account that NBC has had was the Mexican government which used a similar limited hookup a few seasons ago to plug its vacation facilities. Campbell-Ewald is the agency on the Brazilian account.

F. BRAUCHER OUT OF WOR

Frank Braucher, v.p. in charge of sales for WOR, Newark, handed in his resignation Monday (23). It becomes effective Nov. 1. No successor for his post has been selected.

Braucher joined WOR three years ago, coming from the publication field.

ARNOLD TIEMAN RETIRES

Many-Sided Radio Career Ends—Into Pottery Biz

Detroit, Sept. 24. One of the pioneers in the radio field, Arnold Tieman, who moved from acting into the commercial realm more than 20 years ago, has retired. Tieman, who was one-half of the team of Frank and Ernest, one of the first of the early-morning teams of that type, left WWJ last week to go into the pottery business. He bought the China Kiln Co. here.

During his long years in radio, as an amateur radio operator before he went with WWJ 20 years ago, he had served as entertainer, commentator, pianist and studio traffic manager among many things. He was with NBC, WTAM two years, as well as with the Detroit station, where he was one-time traffic manager.

FRANCE RESUMES BROADCASTING, BUT UNDER NAZI CENSORSHIP OF NEWS

Gov't Reorganizes System—Craft Favoritism Eliminated—Powerful Radio Mondial in Action—Radio Paris' Return to Newcasting Sought

Vichy, Sept. 17. With permission granted by the German Armistice Commission, the French people can again listen to news over their own radio. Now that this concession has been obtained, the French government plans a complete reorganization of the national radio broadcasting system.

One of the conditions of the armistice was the discontinuation of all national and international broadcasting, both entertainment and commercial. For several weeks the air was silent and the only news or music the French people heard was from foreign stations. Foreign newsmen could no longer use 'press wireless,' an American news outfit. Ever since, correspondents have been obliged to file their news via Berlin if they are in the occupied zone, or Switzerland from the rest of France.

Recently permission was granted by the German armistice officials to the French to again broadcast musical and entertainment programs. The French delegates argued the point and insisted on extending the privilege to news broadcasting. This hurdle was navigated successfully.

German Censorship

However, there are two catches. The first is that all news for broadcasting purposes must first be approved by an official German censor. The second is that news can only be broadcast by the Radio Mondial station at Allouville, near Vieux. Before and during the war, Radio Mondial was the chief broadcaster of news and propaganda to the colonies and the outside world. The United States daily received many hours of news from this station over the shortwave circuit.

Fortunately for the French this is one of the most powerful stations in the country and news sent over the ether waves will be available to the colonies as well as the metropolis. The French delegates are now asking that Radio Paris, another powerful medium wave station, be permitted to broadcast news.

Frixier Vignancour is in charge of French broadcasting, while Jean Antoine, pressman and news announcer during the war, has been placed in charge of all the news programs. The headquarters are in Vichy.

Vignancour and Antoine have reorganized the entire setup. In addition to entertainment, news broadcasts are divided into three sections—radio news, radio reporting and radio news theatricals, which is a sort of March of Time idea.

Elimination of a Bore

A most important change and improvement over wartime news broadcasts will be almost complete elimination of repetitious programs. It has been decided to change every news broadcast at least 80%. Those who recall the wartime broadcasts will remember that the same news, word for word, was repeated from morning until night. Strong criticism by listeners failed to herald any changes. Now the authorities themselves have decided on the change.

Another improvement is that the radio will be at the disposition of all the Ministries, the propaganda commissioner, and all the Artistic Services of the State, such as the Beaux Arts, etc. All the stations, when permission is obtained from the Germans to use them, will be Government controlled. Programs will be announced ahead of time.

The radio stations will be placed under the authority of the Vice-President of the Cabinet, regardless of whether they are in the metropolis or in the colonies. For example, before the armistice various stations in North Africa were under different Ministries. Radio Tunis was controlled by the Metropolitan Radio Commission, Radio Algiers by the Ministry of the Interior and Radio Rabat by the Ministry of Foreign Affairs.

Another pre-war abuse—nepotism and favoritism—is to be stamped out. This has been navigated by auto-

matically discontinuing contracts of all radio employees and artists as of Sept. 21. They will be re-engaged according to their talents and ability. Graft and red-tape is to be halted, so it is said. No longer will it be possible for singers to make 90,000 francs for a two-year contract, or 250,000 francs for a two-month contract, as was the case before the war.

The reorganized staff of news broadcasters headed by Antoine include Jacques Breteuil, formerly of Poste Parisien, Paul Decharme, Jean Masson, Paul Villeboeuf, Rene Gilson and Edouard Brive. Robert Roquet and Michel Ferry will be used for general news reporting; George Briquet, Marcel Laborde, Robert Perrier and Jean Leuillot for sports.

ALL JAPANESE PROPAGANDA TOGETHER

Tokyo, Sept. 1.

Propaganda unity in Japan is expected soon with a consolidation of the various information and propaganda agencies into the Cabinet Information Bureau due to materialize this month.

As approved by the Cabinet a few days ago, the various agencies to be absorbed by the Cabinet Information Bureau include the information bureau of the Foreign Office and that of the War Office, the press section of the Navy Office, the library section of the Home Office. Also, the right of supervising the administration of matters related to the control of radio broadcasts which is held by the Communications Ministry will be transferred to the director of the Cabinet Information Bureau.

XEQ Uses Spanish Texts Based on Radio Dramas Heard In United States

Mexico City, Sept. 24.

A series of regular dramatic programs over XEQ, will be Spanish translations of programs previously heard in the U. S. Arrangements have been made with E. Balli of XEQ by Albert Martinez, of the Melchor Guzman Co., of New York.

Opening series will be Achmid Baroudi's 'Gods of Banghah,' adapted by John Fleming, of Script Library, New York, which handles it. In preparation for the dramatic shows, the station has for the last six months been broadcasting a series of dramatic bits between musical numbers to 'educate' listeners to spoken programs. Such interludes have been gradually increased in length.

London Calling

London, Sept. 2.

BBC staffmen now wear a buttonhole decoration different from the usual carnation. It's a metal affair to show they're on the reserved occupation list and removed from military draft.

Warren Irvi, Yank commentator handling the German assignment last year, takes on a two-a-week series for BBC shortwave from here. Tag is 'An American Looks at Britain.'

Biographical treatment of old-time music-hall Marie Lloyd played by Naomi Jacob for immediate airing.

Frank Braidwood, former Hollywood Western player in silent days, taking a flyer at radio with his own scripting job, a revue set-up.

PAUL KRUMING RETURNS

Completes Inspection Trip of Mexican and Cuban Stations

Paul Kruming, owner-head of National Export Advertising Agency, arrived at New York Saturday (21) from Cuba, his final stop in a recent inspection trip that included visits to numerous Mexican radio stations. Kruming's firm handles both print and radio placements for many American exporters.

FRANK LAMPING NOW IN R. A. F.

London, Sept. 3.

Frank Lamping, until recently assistant general manager of International Broadcasting, which, before the war, had the English-language franchise for Radio Normandie in France, has joined the Royal Air Force. He is not a flyer, however, and will be connected with the administrative side. Lamping lived for several years in America and has many radio acquaintances there.

IBC kept going with a skeleton staff after the war scuttled its Normandie business. For a time the latter station was converted into a station for broadcasting special radio entertainment to English troops. The collapse of France was the final blow and since June IBC has been entirely closed down.

(Nobody connected with the former advertising stations in France and Luxembourg has ever, as far as known, been hired by the British Broadcasting Co. Prejudice of the staff of the latter against 'advertising' broadcasters has remained unforgotten by war.)

Mexico Scraps Station Before It Gets Going

Mexico City, Sept. 24.

Mystery cloaks the decision of the ministry of communications to dismantle the Government radio station that was being installed at San Felipe. This station was ordered established by President Lazaro Cardenas a few months ago and \$25,000 was spent to equip it. There is no explanation of the decision to erase it.

The equipment is being packed up for storage by the ministry.

WAB Elects Officers

Winnipeg, Sept. 24.

Officers elected at the recent conference in Calgary of the Western Assn. of Broadcasters include: President, George Chandler, CJOR, Vancouver; directors for the three prairie provinces are: British Columbia, as follows: Manitoba, Victor F. Nielsen, CJRC, Winnipeg; Saskatchewan, Carson Buchanan, CFIAB, Moose Jaw; Alberta, G. R. A. Rice, CFRC, Edmonton; and British Columbia, Ralph White, CFJC, Kamloops.

Delegates to represent the WAB on the national board of the Canadian Assn. of Broadcasters include: George Chandler, H. Gordon Love, past president and CFCB, Calgary, and Harold Carson, head of the All-Canada Radio Facilities, Calgary.

Elphicke Moves

Edmonton, Alta., Sept. 24.

F. H. 'Timmy' Elphicke, manager of CICA, Edmonton, since 1936, has left for Winnipeg, where he will manage CJRC. His successor at CICA will be Gordon S. Henry, former manager of CFAC, Calgary.

Formerly operated by James Richardson and Sons Ltd., CJRC became a member of the Taylor, Pearson and Carson network Sept. 1. Two shortwave stations are operated in connection with it.

Andrew Herdington, commentator at WEBC, Buffalo, off on week's inspection trip of Canada's defenses, at invitation of Ottawa government.

British Programs for U. S. A.

(All times given EDT)

Thursday, Sept. 26

P.M.
7:25 Announcements: This Evening's Programs
7:30 News
7:45 News in French
8:00 Canadian program, including talks in French
8:30 J. B. Priestley: 'Britain Speaks'
8:45 Variety
9:00 Headline News: Commentary by Vernon Bartlett, M.P.
9:15 Band of H. M. Coldstream Guards
9:45 News from Scotland
10:00 (Close down until 10:25)
10:25 Announcements
10:30 Radio Newsreel
11:00 Virginia McLean, pianist
11:15 'Everybody's Scrapbook'
11:55 BBC Chorus: Bach program
12:15 (A.M.) 'Britain Speaks' (Repeat)
12:30 Late News Summary
(Close down at 12:35 a.m.)

Friday, Sept. 27

P.M.
7:25 Announcements: This Evening's Programs
7:30 News
7:45 News in French
8:00 Hawaiian Serenaders
8:30 H. Wickham Sneed: 'Britain Speaks'
8:45 Variety
9:00 Headline News: Commentary by A. G. MacDonell
9:15 'At the Black Dog': with Howard Marshall
9:45 'This Land of Ours': Talk
10:00 (Close down until 10:25)
10:25 Announcements
10:30 Radio Newsreel
11:00 The Stage in Wartime
11:45 BBC Scottish orchestra
12:15 (A.M.) 'Britain Speaks' (Repeat)
12:30 Late News Summary
(Close down at 12:35 a.m.)

Saturday, Sept. 28

P.M.
7:25 Announcements: This Evening's Programs
7:30 News
7:45 News in French
8:00 Herbert Hodge, taxi driver: 'London Log'
8:15 Joseph Farrington, bass
8:30 'Britain Speaks'
8:45 'Off the Record': presented by Bob Bowman
9:00 Headline News: Commentary by George Sloombe
9:15 The Week's Programs
9:30 Irish Rhythms
10:00 (Close down until 10:25)
10:25 Announcements
10:30 Radio Newsreel
11:00 The Week's Programs (Repeat)
11:15 To be announced
11:35 'Musical autobiographies'—1. George Graves with BBC Theatre Orchestra
12:15 (A.M.) 'Britain Speaks' (Repeat)
12:30 Late News Summary
(Close down at 12:35 a.m.)

Wavelengths

BBC Overseas Service directed to America is on one wavelength in the 31-metre and two in 25-metre band during evening listening hours, follows:

Waveband	Metres	Mcs	Call sign
31-metre	31.22	9.58	GSC
25-metre	25.53	11.75	GSD
25-metre	25.38	11.82	GSN

Details Set In Canada For Broadcasting The Gillette World Series

Montreal, Sept. 24.

Mike Mahoney (Maxon Agency) came up from Detroit last week for huddle with the Stampleman, president of the Gillette Safety Razor Company of Canada, and put finishing touches to plans for airing the World Series games over coast-to-coast network of Canadian stations. Gillette list of outlets for the series in Canada now totals 39, four or five more than last year, and includes private as well as government stations. Added to 166 U. S. outlets Gillette will use total of approximately 210 stations.

Understanding is that cost of the Gillette broadcasts in Canada this year will be in the neighborhood of \$35,000, the biggest single short-time radio exploitation piece of business ever placed over Canadian stations. With broadcast of games scheduled from 1:30 p.m. until late in the afternoon understanding is that there will have to be some juggling of the Procter & Gamble shows over the government stations. Additional plugging will compensate for switch in time.

Don Wilson, formerly of Vancouver, will handle Canadian announcements, working via cut-ins on Bob Elson and Red Barber. Commercial for use in Canada will have to be specially prepared to conform with Canadian government broadcasting regulations, which prohibit price mention, etc. The French regional network of six stations has also been lined up for Gillette with Roland Beaudry slated to handle the French-language play-by-play description of the games. Beaudry will speed delivery and translation to point where he will be only 20 seconds behind the American commentators. Fred Weber, g.m. of Mutual, last

NO MEXICAN REPEAT FOR FORD

Ford Motors will not use a special Mexican network hookup for its Sunday night concerts (CBS) this season. Account is not repeating last year's Mexican setup because it found what while the idea worked out alright technically there weren't enough potential sales in Mexico to make it worthwhile.

Concert series was carried into Mexico from a Texas point by wire and fed to a group of Mexican outlets by a combination of toll lines and shortwave.

New Mex. Station

Mexico City, Sept. 24.

Mexican Government has granted businessmen of Acapulco, Pacific Coast resort, a concession to establish a powerful commercial radio station.

It will get going early in October.

week made special trip to witness contract signing between Stampleman and Gladstone Murray, g.m. of the CBC.

Nationwide dealer campaign to tie in with broadcast has been lined up with some 20,000 Canadian Gillette dealers set to plug the product. Canadian Hotel Association is also operating, suggesting via bulletins that members might increase business by using lounges and lobbies to provide listening facilities for patrons during the broadcasts.

MEXICO: RADIO IN A SOMBRERO

By ROBERT J. LANDRY

Mexico City, Sept. 17.

As every Mexican town and city is dominated by the spires of its cathedral, so the Mexican radio terrain in turn is clearly dominated by Station XEW. This fact is universally acknowledged. Sometimes admiringly, sometimes grudgingly. But acknowledged. It is XEW of Mexico City that has the most electrical power (100,000 watts) behind its signal, that collects the largest fees for its advertising time, that is most often quoted, and that most frequently does those things which in the United States are termed, especially in VARIETY, radio showmanship.

The station which probably makes the best score against XEW and which alone offers real program challenge is XEQ. Here, 'tilt of one eyebrow, in the Latin manner, is justified, for XEQ is controlled by the same group of business men that has XEW. It is characteristic of the sagacity of this group, of which Emilio Azcarraga is chief, that an actual, not a bogus, effort has been made to set up conditions under which the two stations really can, and in everyday practice actually do, compete for accounts and for prestige.

XEW will be 10 years old next month and will celebrate that gala milestone with a grand fiesta, open house, an array of special events. The details of these plans bespeak the alertness of the station, its familiarity with American practice and its determination to stay out front. Just now XEW hopes to acquire one of the clear channels that will be available under the reshuffle of North American allocations of the Havana treaty. That would further clinch its half-nelson on the free-style open championship of Mexican radio.

This much can certainly be said about the Azcarraga radio properties: they seem to be models of business-getting efficiency on a par with the best or near-best in radio salesmanship and showmanship in the States.

N. A. B.'s Invitation

Members of the National Association of Broadcasters in the United States will recall Emilio Azcarraga as the chief personality from this side of the border, prime mover of many Mexican broadcasting innovations and the probable daddy of network radio if and when it ever becomes a reality in Mexico. Azcarraga was at the N.A.B. convention recently in San Francisco and urged N.A.B.'ers to visit Mexico City next year.

There are several Azcarraga brothers, all self-made and very prominent in business circles with varied holdings inclusive of the new 3,000-seat Alameda theatre. Don Emilio, as NBC friends call him, has long been identified with RCA, and he's no friend of the border stations. Just now he's on a prolonged sojourn in the United States.

It falls to Othon M. Velez, as general manager (and a stockholder) of XEW (and its DX brother, XEWU) to administratively operate the whole works. Curiously, XEW, the heaviest laden commercially, has no sales department, as such. This is because Velez personally handles the sponsors, negotiates the deals inclusive of program detail. The general manager ('Gerente' is the word in Spanish) is in truth a general manager of everything. Velez' duties range from mending political fences, dickering with labor unions (of which Mexico has many), supervising all the advertising. Another contract are solemnly put down in legal memoranda, the station never makes any effort to hold a sponsor. Any XEW advertiser may cancel at any time, subject only to the proviso that a week or so notice be given so that management may create a substitute program or find another sponsor. Happily, XEW has a waiting list of clients.

Velez is a veteran broadcaster, although still a young man. Previously he was in the automobile business as a racing driver and as a whirlwind salesman. A tall man, over six feet, with great charm of manner, Velez is highly esteemed in conservative quarters. He speaks both languages, as does his wife, famous as one of the most beautiful women in Mexico City.

XEW occupies a former warehouse. There are a dozen-odd studios, one of them seating about 300 spectators. The premises are crowded with performers, acts in rehearsal or on the air and the usual motley of hangers-on, curiosity-seekers and job-hunters. Walter Rademann is the chief artistic director. Amado C. Guzman, his English-speaking aide, has the title of program director and is the judge who, from the engineer's cubby-hole, signals for the sounding of the gong during the Sal Hepatica amateur hour. Leopoldo R. Ayala is continuity director. Jose R. De La Herran is engineer-in-chief, and Pedro de Lille, of French ancestry, is the popular, fan-chased, autograph-besieged chief announcer.

(Speaking of fans, they react in Mexico more or less as in the States, but with the difference that Mexican housewives and others simply will not respond to the average statistical survey. Nor is it practical to attempt telephone checks in the manner of Senior Al Lehmann of New York. To ask Mexican householder over the phone what programs he or she listened to at such and such a time of day would be to invite remarks expressive of a suspicion that the caller was loco.)

XEW averages some 60 programs every day. They are divided into commercial segments of 14, 28 and 43 minutes, the standard units.

Special Events

XEW is long on names and has been described as the star-emphasizing station. (XEQ in contradistinction has fewer stars and therefore makes more of a virtue of its 'production values'. It tends to borrow and adapt American formulae for programs.) Jose Mojica is one of the great personages on the XEW schedules. Other Mexican greats are Gil, At Vizu, Tona la Negra, Palomera, Lucha Reyes, Turo, Vargas, Tirado. XEW also has exclusively the Mexican Symphony orchestra concerts, picked up under Carlos Chavez' baton at the Palacio de Bellas Artes.

The fee for a Chavez concert is sometimes \$5,000 Mexican,

fabulous for the broadcasting rights to a cultural event, and high even by American standards.

Of course ordinary radio talent compensation is in line with the wage scales of the country. Three pesos, or 60c, a musician, is the average rate in Mexican stations for a morning session. (That's enough to make Jimmy Petrillo call for smelling salts.) In the evening the rate is upped to \$6.70 Mex. A workaday orchestra leader gets perhaps \$15 Mex per session (\$3 at present exchange). Singers are fairly well paid when they are established artists. Their price span is from \$30 to \$250. (This, of course, is for Mexico City only.) Actors, as such, seldom ever rate better than \$100 Mex for a program.

In the basilica at Guadalupe outside Mexico City the yearly celebration on Dec. 12 is the occasion for one of XEW's pretentious outside-the-studio undertakings. From 6 a.m. onward the eavesdroppers for XEW describe to a 'deeply religious country the most deeply religious event of the Mexican year. XEW has chartered airplanes on two occasions to cover big news stories in the manner of Yankee special-eventsmen. In the recent Sunday morning workers' parade and demonstration in honor of President Cardenas the station had mikes along the route of march and at Cathedral Square, although not without qualms that there might be rioting. At the bullfights, at sundry public gatherings it is likely to be XEW that shows up, although other stations are now displaying this kind of enterprise.

Program Taste

Mexican radio fans like these kind of programs: Amateurs, quizzes (newer), tipica or native music (many kinds), news (no commentation is allowed under government decree), and horror-type mystery stories of which Carlos del Prado's marrow-chilling 'Mad Monk' is a good example. Classical and semi-classical music together with the usual 'variety kind of program are, of course, old standbys. There is a growing tendency toward a rough approximation of daytime serials, although Elinor Glynn's 'Three Weeks' is nearer the Mexican mark than would be a flight of fancy by Irma Phillips or Sandra Michael.

Comedy is scarce in Mexico because native humor draws from sex, which is taboo on the air, and spoofing the government, which is not only taboo but dangerous. Most of the canons of good taste applicable in the States are in force with perhaps an added shade of conservatism due to Catholic upbringing. Products having to do with certain bodily functions are unacceptable, and in any event all drug copy must be okayed by the Department of Health.

The Big Advertisers

Mexican radio advertisers include on the various leading stations such accounts as these:

The National Lottery (very advertising-minded and smartly managed):

Palmolive (Colgate toothpaste dominates its field).

Bayer's (aspirin, tonic, other products).

Coca-Cola (an American, John Stocker, is in residence to supervise the XEQ program, 'Telon Arrriba' ('On with the Show'), which is a Mexican variation of the U. S. 'Show Boat' formula although set in the environment of a native 'carpa' or tent show, river entertainments being foreign to Mexican experience).

Westclox (sponsors a 'guess the musical title' audience participation in which a pig bank (native stuff) is broken open as the jackpot payoff).

Beick Felix (German drug house sponsors Evangelina Magnana, opera singer).

Stein Cosmetics (various).

Aguila Cigaretts (various).

Nesle Products (big concerts).

La Moderna Cigaretts (various).

Sal Hepatica Vitalls (amateur program).

Mexican advertising rate cards are about as complex as similar rate cards in the States. There are innumerable categories based on various factors and the time of broadcast. In general payments are straightforward without any elaborate slide-rule discount frequencies to figure. Business is commissionable at 15% and needless to say there is always somebody around to demand the commission. These few high-and-low citations will suffice to suggest what the radio time (half hours) is sold for:

XEW (A.M. \$75

P.M. \$132.50

XEQ (A.M. \$25

P.M. \$200

XED (A.M. \$50

P.M. \$150

Mexican newspapers operate on the dictum adopted for radio stations by American publishers, namely, that there will always be a slight charge for praise. Accordingly such publicity puffs as are given are likely to be a result of either a deal for cash or an even-Stephen trade. XEW has a publicity tie-up with Excelsior, XEB with El Universal (largest circulation) and XEFO with the organ, El Nacional, of the revolutionary party.

Carla Blanca Beer (all the brewers are big advertisers).

The American touches notable in some of the XEQ programs derive from Carlos del Prado, born in Mexico but educated in the States and previously employed by J. Walter Thompson, Hearst Radio and KNX, Hollywood. (Other executives of XEQ are Enrique Contel and Emilio Balli, sales and business managers respectively.) In Mexico the entire burden of program production falls upon the radio station. The announcer, in some cases is the producer, but never is the advertising agency able or willing to create and administer the program. Prado, with his American training and dual linguistic, has been able to set up programs far advance, a la CBS, Forecast showcase series this past summer, and sell them, package-like, to advertisers. This is a newer tendency in the Distrito Federal.

Coca-Cola's Reticence

Incidentally the Coca-Cola program is remarkable in several respects. First, it is the only 'dress' broadcast in Mexico. Second, it is entirely free of commercial copy, and accounts usually use a siren worthy of the Ape department in Mexican

sales copy. Coca-Cola does occasionally slip the name into the background noises when a hawker of refreshment may be heard circulating through the audiences offering candy—cigarettes—and COCA-COLA. But that is all. And it amazes the Mexicans no end. This program includes Chairo Gil and His Corporals, Ernesto Riestra's orchestra, Irma Gonzalez, Pacho Obregon, Rosa Maria and Carlos Pickering.

Estimates (i. e., guesses) place the number of receiving sets in Mexico at 600,000. But sales are brisk and the air audience is increasing rapidly. The republic has in all over 100 broadcasting stations, of which number 23 are in Mexico City, a mystery of economics no mere visitor could hope to understand.

Up From Handbills

The so-called 'border stations' share with Mexico City's several transmitters the distinction of belonging to the folding-money division of Mexican broadcasting. The border stations, whose fate is uncertain under the pending reallocation which embraces Canada, the States, Mexico and Cuba, are, in the main, not Mexican at all but promotions of American entrepreneurs and more or less frankly directed at English-speaking American listeners, not Spanish-speaking Mexicans. (But that's another tale.) In between the disputed waters on the Rio Grande and the juice-shooters of the capitol lie the run-of-mill Mexican stations in the small towns and market centers. Of this considerable number (nearly 100) not much is heard. They make small livings for small business men by selling—or at least trying to sell—other small business men on the value and wisdom of radio advertising, plainly a tough job.

Business men in Mexico City are reasonably radio-minded. Already the multiplying success stories are overcoming the last skeptics. Audience participation and other forms of latter-day American programming have been introduced. The kindergarten problems develop with the merit of advertising as such and radio as a specific medium of advertising largely belong outside Mexico City. In the one-train-a-day towns the merchants and distributors are devoted, as their forefathers before them, to the tissue-thin handbill which flutters in the breezes from every exposed peg and nail around the plaza and environs. The advertising handbill is cheap, plausible, familiar. All who are curious may read them, all who ready and able to buy what the handbills mention will doubtlessly get around in due time to do so. The local shopkeeper clings tenaciously to his customs and does not readily abandon the handbills of his ancestors in a spendthrift mood any more than he would give up his three hours for lunch.

Obviously, the provincial Mexican business man still needs primary educating to the desire-creating capacities of advertising. Until his imagination is fired he can see only the expense, the outlay of pesos, not the possibilities of stimulating demand for what he is selling. Few of the salesmen employed in the obscure upstairs-over-the-cantina stations are equipped with modern radio sales evidence of arguments. Indeed one alert young Mexican in Pueblo reported that to his knowledge many Mexicans had learned from Yankee-hating Spanish intellectuals in Mexico City that the best type of advertising belonged to continental Europe—a gigantic bit of petric calisthenics, since all the world studies American merchandising as the miles-ahead best.

Lots of Licenses Granted

Licenses for small-town radio stations are apparently fairly easy to get, if the license-seeker has a winning personality and good political connections. It's the advertising accounts that come hard in the smaller spots. But, then, the same story could be told of Wahoo, North Carolina, or Salt Bed, Arkansas. So that's not just a Mexican difficulty. What helps in these smaller Mexican communities is the cheapness of operating overhead. Thus a brand-new station in Guadalupe, XEAD, deemed itself doing satisfactorily with a monthly income of 1,500 pesos (\$300 U. S.) against expenses of 600 pesos (\$125 U. S.).

Actually, there is a good deal of zip in some of the smaller town stations, judging by several visited by this writer. XED in Guadalupe (with XEDQ as its shorthand auxiliary) uses its center vestibule (as do many others) to accommodate audiences for the inevitable Mexican radio amateur hour, this one sponsored by Aguila cigarettes. The station is one of those linked last season into a special Mexican network for the Ford concert out of Detroit, the first commercial from the States ever regularly heard in the country. XED is owned by Suaza, the distiller of tequila (Mexican brandy), and its chief functionaries are Jose Moreno and Ricardo Bell.

Mexican radio stations often take as 'identification' the name of that firm, person or product which finances the station's preliminary expenses or makes a long-term blanket time commitment. Thus—again in Guadalupe (State of Jalisco)—XEAD is called the KIST (Orange Kist) station.

The small-town stations sometimes improve their acoustics with native burlap and matted rattan. Guitar-playing cowhands are as plentiful around any Mexican radio station, however, remote, as hillbillies around Drug Products, Inc. They begin or stop on signal from the gong. The Mexican variety of open-country troubadour differs from the dust-bowl yodelers of the U. S. A. chiefly in not being headed for WLW, Cincinnati.

Small-town Mexican radio is of course picturesque rather than significant. The big national and international advertisers are more concerned with what's what and who's who in Mexico City, where the stations draw upon the metropolitan resources of talent and wealth implicit in 1,000,000 population. Mexico City stations include (omitting 14 of the smaller neighborhood wax mills) the following, each of which, save XEXX of the National University, also has a shorthand running mate operating simultaneously:

XEW, 100,000 watts, 8 a.m. to midnight

XEQ, 50,000 watts, 9 a.m. to midnight

XEB, 10,000 watts, 7:40 a.m. to midnight

XEFO, 5,000 watts, 11 a.m. to midnight

XEDP, 5,000 watts, 7:30 p.m. to 10 p.m.

XEXX, 1,000 watts, 2-5:30, 7-11 p.m.

XEB is owned by a cigaret company. XEFO belongs to the dominant Mexican Revolutionary Party, while XEDP is the mouthpiece of the Mexican State Department. Only one of the 14 smaller stations ever does anything to make itself famous—a policy of giving the time every minute 24 hours a day and jamming as many blarbs as possible in between.

TIGHTEN LINES FOR SHOWDOWN ON ASCAP

Stories about the impasse over the new licensing contract between the American Society of Composers, Authors & Publishers broke afresh in the N. Y. dailies last week, but outside of that there were no new moves along either side of the battle front. Mutual Network's planning board decided at its Chicago meeting that a bureau for the clearance of copyrights should be set up in anticipation of an ASCAP freezeout after Dec. 31, and the only firm that Broadcast Music, Inc., was reported to be dickering with is the Sam Fox Music Publishing Co. Fox has not renewed its contract with ASCAP.

Ad agencies themselves no cause for getting excited over the ASCAP-broadcaster tangle as yet. The dominant opinion in that quarter is that there's no reason for quizzing the networks about the latter's final decision about a showdown with ASCAP until the latter part of November, which will give them (the agencies) time to consult their clients as to the fate of programs largely dependent on popular music, either current or standard. Also to act in regard to their contracts with name orchestras.

Mutual has never had a copyright checking service, and the bureau which the board has authorized would be an innovation for the network. NBC and Columbia has maintained such a checking service for 12 years or more, and in the course of time have accumulated massive indices covering all fields of music. Mutual has three months in which to do a similar job.

Trammell's Letter
NBC last week released an announcement, signed by Niles Trammell, president, stating that name orchestra leaders have been advised that they must include in their sustaining broadcasts at least three numbers not controlled by ASCAP. It's two more than the Mutual requirement. Columbia, it is reported, has advised staff vocalists that they will be barred henceforth from doing any ASCAP tunes. The instructions are being given by word of mouth. The all-around boycott against ASCAP's repertoire has begun even though the networks' present contract with that organization has over three months to go.

Meanwhile ASCAP claims that its contracts and inquiries from non-network-affiliated stations are increasing daily. It admits that the affiliated stations are holding ranks 100% so far.

NO ASCAP PICK-UP

Its Big Day at Frisco Fair Not To Be Broadcast

San Francisco, Sept. 24.
Gene Buck said no comment to network ban of ASCAP Day program from the Frisco Fair Exposition. Both sides are ignoring each other. Show is available to anybody paying broadcast fees of orchestra musicians used on program, Buck making no overtures.

KYA sought to broadcast affair but deal died probably due to the cost involved. Station claims it never got final confirmation from Buck.

KFWB plans lost in fog.

JERRY SMITH'S PICTURE

Des Moines, Sept. 24.
Jerry Smith, 'modeling cowboy' of Station WHO's Iowa Barn Dance Frolic, left for Hollywood Sept. 22, for role in 'The Range Busters,' western to be produced by Phoenix Productions (Monogram). Smith, who has been with WHO for five years, is on leave of absence, and will return to the station after completing his film chore.

Other WHO performers who have done film work include Sports Announcer Ronald (Dutch) Reagan, Al Clauser and his Oklahoma Outlaws and Louisiana Lou. Reagan is under Warners contract.

Bernarr Cooper's One-Man Drama
Bernarr Cooper, actor in various daytime serials, will present 'Life Canvases,' a series of one-man dramas over WQXR, New York, 10-10:15 Wednesday nights during October. Original sketches have been written specially for him.

FOR-AND AGAINST-ASCAP

■ Neville Miller Twits Paine that ASCAP IS Closed to Newcomers
■ Paine Sees Webs Building Future Monopoly

By Neville Miller

(President, Nat'l Ass'n of Broadcasters)

Mr. Paine, in his VARIETY letter last week, did not seem to me to strike at the essential issue which is involved in the controversy between the broadcasters and ASCAP. That issue is whether the contract, which is presently tendered to broadcasters, is capable of defense, or whether in fact it is wrong in principle and excessive in price. Mr. Paine nowhere in his article points out that some of the most important units in the broadcasting industry are being asked to pay their gross profits to ASCAP and to stay in business for the fun of it. No amount of general discussion of the beneficent purposes of ASCAP will bellood alter this issue. Even in Mr. Paine's generalities, however, there are some inaccuracies to which I think attention should be drawn.

1. Mr. Paine states that it is one of the functions of ASCAP 'to encourage those who will write the music of tomorrow.' The policies pursued by ASCAP, far from encouraging such talent, tend to stifle it. When ASCAP publishers publish the song of someone who is not a member of ASCAP, the writer gets no revenue from ASCAP whatsoever, although his song may be the most sensational hit of the year. Even after a writer is eligible for ASCAP membership, namely, when he has had five songs regularly published, 'variability' by ASCAP publishers, he may be refused admittance by the Membership Committee appointed by ASCAP's self-perpetuating Board, and if he does get in, it is on a non-participating basis or on the basis of very small payments indeed. Some 97% of ASCAP's distribution to writers goes to a handful of established writers. The balance goes in inconsiderable sums to the balance of ASCAP's membership. Nothing goes to the talented writer who is not a member of ASCAP. If this is encouragement to budding talent, it is difficult to see what discouragement would be.

2. Mr. Paine complains that under the license, which expires Dec. 31, 1940, ASCAP was supposed to get 5% of the net sponsors' payments to radio stations, but the chains ran things so that we received only 2.42%, and nothing from the chains at all. The clear implication of this is that ASCAP made a contract under which it thought it would be getting higher revenue, but the broadcasters managed to impose a construction upon this contract which was a disappointment to ASCAP. Nothing could be further from the facts.

The agreement which expires on Dec. 31, 1940, was a mere renewal of the contracts which were formerly in effect. Not only were the contracts completely clear as to what would be paid, but ASCAP had had years of actual experience in 'collecting' under this identical form of agreement which was renewed for an additional five-year term. Under these circumstances, ASCAP can claim that it didn't know what it was getting only upon the double assumption that it couldn't read English and had been asleep for three years. If while the same contract was already in effect, Mr. Paine's implication in this respect is, to say the least, unfair.

3. Even the figure 2.42%, set forth upon the foregoing assumption, is an inaccurate one. In quoting this figure, Mr. Paine bases the percentage upon a gross income of \$171,000,000 for the broadcasting industry. This figure is arrived at by adding to the annual gross revenue of broadcasters for the year in question (\$112,000,000 as reported by the Federal Communications Commission and published by VARIETY in its issue of July 24, 1940) a fictitious amount which is composed of adding to the broadcasters' income the amount of advertising agency commission plus the amount that would have been paid if advertisers were not allowed time discounts. The fact is that advertising agency commission does not come into the hands of broadcasters and they cannot pay on the basis of sums which they never receive. The amount which is added on the assumption that there are no time discounts does not exist at all. A broadcaster who goes on the air only once pays one rate. If he is on the air repeatedly he gets a lower rate. Estimates based on a fictitious rate which is never paid do not serve any useful purpose in clarifying the issue.

4. Mr. Paine maintains that ASCAP music is available to all at terms within the means of all. An example of ASCAP's magnanimity to broadcasters, Mr. Paine states that '50% of all radio stations will only have to pay \$1-per month as a sustaining fee.' What Mr. Paine neglects to mention is that the 'drastic' reductions included in ASCAP's proposed 1941 contracts total \$350,000 while the total increases included in such contracts total over \$5,000,000. Mr. Paine considers it a decrease when he grants an ASCAP license to, let us say, a network affiliate for local program service only at a sum which may, in some cases, be slightly below what the same station paid for all-service over this station network or local. Mr. Paine's levy would absorb the entire profits of many broadcasters. How this can be construed as within their means, it is difficult to see.

5. Mr. Paine speaks of a 3% to 7 1/2% tax on broadcasters' net receipts. He omits to remind his readers that the principal accusers before the FCC investigators have now become a part of the present combination.

In order to hide the sinister purpose back of their activity and to direct public and private attention away from this monopoly in the making, and I suspect, too, in some measure, to rationalize their own activity, they have raised a great many smoke screens in the nature of charges against ASCAP. The first and foremost of these is that ASCAP is 'demanding \$3,000,000 from the radio industry.' These accusations started with \$7,000,000; then went to \$8,000,000; then to \$9,000,000, and recently became \$10,000,000. These added millions have only thin air as their basis.

ASCAP is not demanding any set sum. It is asking a percentage of the gross sale of time on the air, less liberal deductions. As a matter of fact, under the new ASCAP formula, the individual radio stations of the country are being asked to pay to ASCAP over \$1,000,000 less than they paid in 1940. The only difference between the licensing system heretofore in effect and that recently proposed is that the chains are being asked to pay a share of the music costs, whereas in the past they have never paid any money to the society—and this point ought to remain uppermost in the minds of all station owners.

The second smoke screen that is constantly raised is that ASCAP refused to negotiate with the N.A.B. Committee on the new music contract that goes into effect Jan. 1, 1941. This is again a statement wholly and completely untrue. Negotiations between ASCAP and the National Association of Broadcasters began on Lincoln's Birthday, 1939, with a visit from Neville Miller to Gene Buck. At that time Miller was told that ASCAP would be delighted to begin a study with the radio people of a new licensing setup, even though it was 23 months before the expiration of the present contract.

This meeting was followed by the appointment of a committee by Miller, and the appointment of a committee by Buck, which committees were to meet together to go into these matters. Miller's committee consisted of himself, as chairman; Edward Klauber, John Lohr, Mark Woods, Samuel Rosenblum and John Elmer. Buck's committee consisted of himself, as chairman; John G. Paine and Louis D. Frohlich.

The ASCAP Committee met the Committee of the Broadcasters in my office at ASCAP, and they proposed that the new form of license agreement be based on a 'per program' system rather than on a blanket license system. We stated that we would be very happy indeed to have them study the situation and prepare the form of contract which they believed would be most acceptable to the broadcasting industry, and we would be glad to give it consideration. They never prepared such a contract. The only step taken in connection with the study of such a contract was a visit from Mr. Miller to the society, at which time I personally introduced him to our Comptroller, George A. Hoffman, and told him that the society would be happy to make available to him for his study and for the benefit of his committee all facts and figures that

(Continued on page 40)

By John G. Paine

(General Manager, ASCAP)

ASCAP had hoped that it would be unnecessary for it to get into any public discussion of the radio situation, even though it has been baited to do so by the most astonishingly untrue charges and statements made either on their own behalf or on behalf of the radio industry by Mr. Neville Miller and by Mr. Sydney M. Kaye.

At the beginning, therefore, let's strip all the camouflage from the facts and see what the facts actually are. The 'fight' between Radio and ASCAP is not a fight, per se, but merely a means to an end. It is generated and motivated by the determination on the part of certain current leaders in the radio industry to force the last element in the complete monopolistic control of radio by the chains. At the present time, by their own admission, the chains control through contract 85% of the dollar volume of the radio business. They control, and have for years controlled, their own artist bureaus, their own electrical transcription companies, their own recording companies, and through other contracts or ownership, control or dominate the radio programming of hundreds and hundreds of radio stations.

Now they are building their own exclusive music supply organization and public statements show that they have entered into contracts between their music supply organization and some 385 radio stations. Contemporaneously with the signing of each of these contracts, the contracting station announces that it will discontinue the use of ASCAP music. In the whole history of anti-trust activity in the United States nothing quite so bold has ever before been attempted.

To go further into the monopolistic tendencies of the group would be merely repetitious, as they have been reported in great detail in the Monopoly Report of the FCC Committee and the recent Brown Hearings before the Interstate Commerce Committee of the Senate. A very interesting sidelight, however, is the fact that the principal accusers before the FCC investigators have now become a part of the present combination.

In order to hide the sinister purpose back of their activity and to direct public and private attention away from this monopoly in the making, and I suspect, too, in some measure, to rationalize their own activity, they have raised a great many smoke screens in the nature of charges against ASCAP. The first and foremost of these is that ASCAP is 'demanding \$3,000,000 from the radio industry.' These accusations started with \$7,000,000; then went to \$8,000,000; then to \$9,000,000, and recently became \$10,000,000. These added millions have only thin air as their basis.

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PHILADELPHIA HAS NEW DISC ACTION

Philadelphia, Sept. 24.

The National Association of Performing Artists on Thursday (19) filed suit against Westinghouse Electric, operators of KYW, charging the station used recordings made by members of the association without authorization on commercial and sustaining programs. The suit was filed in Common Pleas Court in the name of James J. Walker, president, and Fred Waring, vice-president, of the organization, and asked for a permanent injunction to restrain KYW from using NAPA-made discs.

It was the first case filed by NAPA against a major station and will be tried in the local courts, where the organization gained its first important victory five years ago when both the Common Pleas and State Supreme Courts upheld NAPA's property rights in recordings in a case against WDAS.

When's a Song Lasting?

By Pat Ballard

Editor, VARIETY:

It seems one point has been overlooked in the scramble to build up large catalogs of songs which will provide grist for the performer's mill, and hence provide attractiveness for the sponsor's product.

A couple of years ago I looked over carefully some 40,000 song manuscripts submitted by most of the unknown writers in the country. There were about 200 that seemed equal to the average professional writer's output, and undoubtedly if all of these 200 songs could be given a public hearing, sufficient to gain an "acceptance," one or more of the lot would become fixed in the hearts and minds of enough people to enter the charmed circle of lasting songs.

Who remembers the names of the horses who won a race last year? Yet everyone remembers Man o' War.

The point is, lots of horses had to win lots of races before a Man o' War came along who would become a lasting fame. Many songs have to be No. 1 on the list before one becomes, in five years, of lasting value to a performer and his sponsor. By that I mean, when its performance is bound to please enough of the 130,000,000 people in this country, because of their affection for it, to make it a sure thing as a piece of entertainment material.

I'm sure Mr. Berlin would be the first to admit that he has to write and publish many, many songs before one attains the universal position occupied by his 'God Bless America.'

Almost every professional writer who has been writing for a great number of years feels very happy if he can know that even one or two of his hundreds of songs has attained the status of lasting value.

And every publisher who has an 'Ahl Sweet Mystery of Life' 'Old Man River' or 'Sweet Sue' in his catalog, knows that he has had to publish hundreds of songs over a period of many years before these lasting gems showed up. He may have had the No. 1 song every month in the year, but that doesn't mean that in one or two or five years these songs will have any real value as pieces of surefire entertainment property. What forms the backbone of every performer's (and sponsor's) stock-in-trade is the comparatively small list of songs which are so universally a part of everybody's life and remembrance and affection that their performance, by the law of averages, is the safest kind of thing for those who would please the largest slice of the public.

For 20 years I have been in the business of trying to provide material for topflight stars that would be valuable to them. Any writer lucky if out of big batches of carefully written material, words or music, he has hit upon even a few things that were so outstanding that their value was unquestioned. A 'Casey at the Bat' has more than a temporary vogue, but how many of its author's words rank with it?

Pat Ballard.

Radio Daffodils

New York—Walter King, announcer of moppet programs for WINS, appointed honorary member of the New Jersey State Assn. of Chiefs of Police.

New York—Adele Zysman, of the WHN program department, consulted the Bronx (N.Y.) zoo to learn if turtles are dipped occasionally in salt water they won't go blind. So the station publicity department issued a special release announcing the fact that 'Mike,' the staff mascot, is now assured good eyesight.

New York—Excited dialer called WHN to tell Bob Byron, whistling crooner, that he (the dialer) had just become a father and was naming the baby after Byron. Guy added that he and his wife were fans of the singer, but then he hung up without giving his name.

Amarillo, Texas—A 66,000-egg incubator was used as the studio for one of the broadcasts carried by station KGNC here at the 17th annual Texas Baby Chick Assn. meeting. Bob Watson interviewed Professor Reid, of Texas A. & M., among the hen fruit.

Birmingham—Harwood Hull, WAFB farm director, took a remote mike to the 4-H Club boys swimming hole to air the youngsters' splashing. Says next time he'll take the mike in swimming also.

Cleveland—Sid Andorn and Morris Condon had a 'superstition' quiz sidewalk interview broadcast over WGAR starting at 3:12 p.m. and lasting for 13 minutes last Friday (13) at the corner of 13th street and Chester avenue here. Site is one of the few hotels having a 13th floor. Audience was quizzed under a ladder and had to break a mirror before answering questions. Black cat was brought along for added ill omen.

New York—WMCA put a lobster alongside the mike to make whatever noises it liked during the station's homemaker program conducted by Ida Bailey Allen. The lobster was contributed by the Fisher Council, an organization seeking to 'promote wider use of piscatorial delicacies.'

Columbia, S. C.—Floyd Rodgers, Jr., program director of WIS, found himself deluged with Spanish peanuts after he had mentioned to Byron Parker, of the Black Draught Hillbilles, that he'd appreciate it if Parker picked up some home-grown peanuts in his wanderings through South Carolina. Farmer in eastern part of the state heard about the Parker wish and he's been shipping the goobers in generous amounts to the former ever since.

Prowl Literati Marts For 'Big Town' Material

Hollywood, Sept. 17.
Name writers are being lined up by Ruthrauff & Ryan to contribute material to Edward G. Robinson's 'Big Town' series for Rinsco. Stories already have been bought from Adela Rogers St. John and Paul Gallico. Crane Wilbur, script editor and producer, is poring over several dozen scripts by Hollywood scribes, but the hunt for yarns has also been extended east.

Extend Glenn Miller

Glenn Miller has had his contract extended by Chesterfield until next April. He is now working under a 26-week contract which doesn't expire until the latter part of December, but requires that his next option be picked up 13 weeks prior to this contract's expiration date. Miller has been on CBS for the big account since Dec. 27, 1939. General Amusement Corp. handled the extension through the Newell-Emmett agency.

YEAR'S SUPPLY OF RADIO SCRIPTS IS RESULT OF A 'VARIETY' OPEN LETTER

Drama Director Ed Cullen Found One-In-Three
Scripts Acceptable—Pays \$15 to \$50 Each—Stale
Formula Chief Fault of Scripts

By JOE BETZER

Buffalo, Sept. 24.

Local stations, exhausting the drama output of the regular script mills, can work up a promising script service of their own if they have both time and patience. And there's a chance, roughly speaking, of finding one good script in every three that comes in.

That percentage has held so far for WBEN, which after six years of airing once-a-week dramas, found the regular wells running dry. Plays submitted by the regular script service were falling into a stereotyped pattern, so Station Director Edgar H. Twamley appealed to the scribbling trade with an open letter in VARIETY.

Twamley stressed the advisability of peddling drama stuff to local stations. Pointed out that while such stations couldn't pay as much as for a drama sold to a network, in the long run they could buy more dramas from one writer than most chains would, which would put the writer out ahead.

First two weeks brought 100 scripts from almost as many kinds of writers. Free-lancers replied from Texas to North Dakota, San Francisco to Gotham. About two-thirds had to be returned as unsuitable, but there remained 40 plays the station could use.

"That VARIETY story solved our problem," said Ed Cullen, WBEN drama director whose players take over 30 minutes every Thursday at 10:30 p.m. "We have enough plays for the rest of the season, and they're still coming in."

So far station has put on seven of the pieces. One, a bit about Napoleon and Josephine by Margaret Halliwell, New York City, is set for a repeat on basis of listeners' comments. Like Miss Halliwell, most

writers were pros taking a flier at the local station market. The scripts that were tossed away came chiefly from obvious amateurs.

Stale Plots

Chief fault, found Cullen, one-time stock actor and CBS staff announcer, was 'ordinariness.' Cullen is of that school which holds that Arch Oboler and others are rapidly relegating to disuse, except in 'soap operas,' that type of plot that has been aired since radio's birth. Plays now must have a new 'twist' to please.

'About two-thirds of the dramas we got either were ordinary or elementary,' Cullen said. 'Of course, a lot were from beginners who found a sudden invitation extended to them, and these showed a general lack of understanding radio technique and plot material. Two or three showed promise, though, and these I'm keeping to be rewritten.'

Re-filling its drama font has not been all roses for WBEN. Script agencies have complained. One, in nearby Lancaster, offered to buy a list of names of those who had replied to WBEN. Offer got thumbs down.

'He might have given the authors \$5 a play. We pay from \$15 to \$50 for suitable material. That's one reason why free-lancers might do well to try peddling their stuff direct,' commented Cullen.

Drama chief at this 5,000-watt station sits as one-man board on scripts. Has no set rules for judging merit, but runs the scale of payment according to what he thinks a piece is worth. If he's doubtful, he hands the play to switchboard girl or control man and gets their views, then gets opinion of some local drama teacher.

System has worked well so far.

with WBEN drama group ranging its offerings from frothy humor to Ibsen. About 20 actors make up drama complement, from strict radio folk to William Guilbert, Chamber of Commerce biggie. Warren Hardy of films, ex-localite, acted with group through Summer for mike experience, before going on to New York for Fall stage work.

WBEN Adds Important

Local Talent Program

Buffalo, Sept. 24.

Biggest piece of local air business from talent's standpoint has been set with moving of 'International House Party' from WGR to WBEN effective next week. Head Miller Co., Inc., brewers, of Rochester will use three quarter hours weekly at 7:30 p.m., instead of 30 minutes as on WGR.

WBEN has hired Vera Holly, singer, and the Three Treys, song-patter team, away from WGR-WKBW for the series. Will add to them 13-man house band and emcee, Oscar Davis, from New York. J. Walter Thompson is the agency. Stanzas will air from studios, instead of Hotel Lafayette ballroom as formerly.

Account is switching to WBEN for its across-the-border coverage. Sponsor's ales are not sold in western New York, and Buffalo-originated series is aimed solely at listeners in Canada, where the brew is peddled.

Eddie Dooley Returns

Eddie Dooley, New York Sun sports writer and former Dartmouth star, starts a twice-weekly football series tomorrow (Thursday) for Revelation tobacco over a three-station hookup of WOR, New York; WGN, Chicago, and CKLW, Detroit. Former griddier, who has an .827 average in his predictions over the last nine seasons, will pick his choice of winners on the Thursday shows and do his chest-expanding or alibi-ing Saturday nights. Biow is the agency.

WRVA

serving

RICHMOND & NORFOLK

50,000 WATTS

CBS

Strategically located between
Richmond and Norfolk to serve
Virginia's Richest Markets.



For more information about WRVA, one of the sixteen CBS 50,000 watt stations, inquire of Paul Raymer Company, New York, Chicago, Detroit, San Francisco

VIRGINIA'S PREMIER RADIO STATION

"Smash hit... has 'em holding sides. An uproariously funny show. Thoroughly enjoyed every moment. The same Jolson... gayer and zipper... Howled with glee. A constant state of merriment."

WALTER WINCHELL
Daily Mirror

"One of the funniest musical plays on Broadway for years. Best all around cast. A fast musical show without a dull spot. A mad book... frenzied score... excellent dancers... beautiful production."

BROOKS ATKINSON
New York Times

"—America's greatest entertainer. He is better than ever before."

KELCEY ALLEN
Women's Wear

"A walloping fine evening. Al Jolson returned in a burst of triumph."

JOHN McCARTEN
Time Magazine

"A brilliant performer who has few equals in the American theatre as a showman and a master of entertainment. It is not often that even Broadway indulges in such rapturous enthusiasm as it displayed."

RICHARDS WATTS, JR.
Herald Tribune

"Downright exciting. The people who can match Jolson's personality in the theatre are rare. As an entertainer he has few equals. It's good to have him back."

JOHN MASON BROWN
New York Post

AL★JOLSON★

"HOLD ON TO YOUR HAT"
SHUBERT THEATRE, NEW YORK

"Broadway is beginning to look like Broadway again."

SIDNEY B. WHIPPLE
World-Telegram

"I toss my own critical headgear and dictionary over the moon. The Jolson of the Winter Garden—the peerless entertainer, dynamic and compelling. He is here again, I hope to stay. Without an equal on the boards. The customers were entranced. Hilarious and entertaining."

JOHN ANDERSON
Journal-American

"Fun going all the time . . . Big, bright and gay."

RICHARD LOCKRIDGE
The Sun

"In the Jolson tradition brightly staged . . . pleasant tunes and skillful dances."

BURNS MANTLE
Daily News

"A grand entertainer. Go-but definitely."

OLIVER KLAXTON
Cue

"The Jolson show IS entertainment."

JOHN O'HARA
News-Week

"—the first click of the new season . . . it has the personality that formerly packed the Winter Garden . . . that he is one of the top draws of the theatre was amply shown by the grosses out-of-town . . . clever fellow, that Jolson."

JACK PULASKI
Variety

"A romp . . . it's sure-fire."

L. KRONENBERGER
P. M.

Station Ideas

KPO-KGO Day at Expo

San Francisco.

When NBC's Al Nelson signs up for KPO-KGO day at the Fair, he ain't kidding. Due largely to heavily plugged appearances of stars who put on eight hours of continuous entertainment, turnstiles recorded second largest attendance of the season, 127,000 swarming the grounds and most of them with autograph books.

Although first actual broadcast was not until 3 p.m. when Gallen-Kamp's quizzer, 'Prof. Puzzlewit' with Larry Keating was aired, festivities started at 1:30 with stage version of Will Aubrey's 'Good Old Days'. Standing room for 2,000 in the middle of the Palace of Communications was kept jammed until 8:30 p.m. after final broadcast of the day, Hal Burdick's 'Night Editor' for Cardinet Candy.

Day was hot and batteries of television and newsreel lights didn't make things any cooler for performers who trouped magnificently for ol' NBC. Telenews theatre picked up shots and affair was used as telecast subject in the nearby RCA exhibit.

As fast as performers came off stage in front of KPO Animated Clock exhibit, they went down in a swirling sea of autograph hunters.

Most heroic trouper of the day was jolly Judy Deane. Fans didn't know it but she passed out from nervous strain over illness of her daughter shortly before going on, and remedies were kept handy during her appearance but weren't needed.

Smallest of gang was four-year-old Ginger Lee Boggs, moppet with a repertoire of 27 songs who has already toured over 100 theatres and loves spotlights. Carries a tune like a vet and became the darling of the air.

Others who upheld red of alma mater included Will Aubrey, Rosie and her guitar, Armand Girard, John Teel, Roland Drayer, George Nickson, Ruth Sprague, Ira Blue, Bob Dwan, Berton Bennett, Paul Martin, Bernadine Playford, Helen Morgan, Keith Wadsworth, Patricia Lynn, Camilla Romo, Sam Moore, Ricardo and Neg Monett. Guest of honor was Slapsie Maxie Rosenbloom who came over between appearances at Oakland's Downtown theatre for an interview by Herb Caen.

Only one person collapsed in the jam and was quickly revived.

WDAS' New 'Trade Mark'

Philadelphia.

After three years WDAS is dropping its promotion cartoon depicting someone dropping their work or play to 'go home and listen to WDAS'.

The cartoon, syndicated to 50 stations in all parts of the U. S., will be replaced by a similar one called 'Everybody's Tunin'.' It will feature a figure of the world, with a radio set for a head, and a mike for a nose. On the figure will be the call letters of the station. A novelty house is set to manufacture the figure to use as ornaments atop radio sets.

Safety Commission on Air

Atlanta.

New program, 'The Yellow Line,' to promote safe driving has bowed in on WSB, featuring Lon Sullivan, Georgia commissioner of public safety. Included each week in 15-min. program are reports on accidents happening during week on Georgia highways; information on stolen cars and those recovered; safe

and sane driving tips, and general facts and information of value to motorists and conducive to safety.

WSB recently toted its portable equipage to Salem Camp Ground and aired half-hour show at 114th annual interdenominational religious meeting there. Meetings started in 1926 and are held today in huge tabernacle built in 1854, with pilgrims in attendance at 10-day religious festival from all over nation.

This station also covered opening of Georgia-Florida tobacco market with an unusual broadcast from tobacco warehouse in Statesboro, Ga., with Bill Prince, WSB's farm director, handling mike. Prince talked with growers and warehousemen, discussing quality, price and crop conditions relative to this year's leaf. Prince also was WSB's speller when station aired Atlanta's first Potato Festival last week.

WJSV, Wash., Sponsors Homes

Washington.

Erection of a number of low-cost model homes has been sponsored as a housing attention-getter by WJSV, local CBS station. First of the

Borrowing From Pix

Chicago, Sept. 24.

Continuing its exploitation drive, WGN has come up with two new stunts. Has built a theatre-type maquette over its studio building on Michigan Ave. and daily changes the marquee letters to announce the audience shows of the day.

Also has stamped out a flock of auto tags reading 'Watch WGN and Mutual,' and printed a raft of windshield stickers with the same slogan.

homes, all of which will be priced from \$3,000 to \$5,000, was dedicated recently at Kensington, Md., Washington suburb, by A. D. Willard, Jr., WJSV general manager. At the ceremonies contractors took orders for 20 more similar-type homes from those present.

Homes are built by various contractors, speculation, with the station devoting Saturday and Sunday day programs, with home-economist Elmer Lee splicing. Another half-dozen of the houses are now under construction.

Plugging Radio Contests

Minneapolis.

CBS network and local advertisers having programs featuring contests or offers are getting dual gratis plugs over WCCO here. On a weekly 15-minute program called 'Offer Index' Saturday mornings, all contests and offers are brought to listeners' attention by 'Susie,' the station's supposed scrubwoman, played by Keneta MacKenzie, its continuity writer, who tells how her troubles and needs will be taken care of by the prizes she can win via WCCO programs.

Also, different continuity appears in WCCO's double column-10-inch newspaper advertisements on the same day, plugging the contests and offers and also written in 'Susie's' broken lingo.

Station's Local Gossip

Minneapolis.

WCCO (CBS) here is giving small towns and newspapers of this state a publicity break in a novel program which sends out over other local gossip culled from the rural sheets.

Each weekday morning on 'Sunrises' (6-7 a.m.), announcer Bob Campbell reads 10 to 12 of the items about births, new barns, minor accidents and local trivialities. In exchange, credit is given to the town and to the newspaper from which the item is taken. Many of the squibs are laugh-provocative, adding to their audience appeal.

Showcasing Studios

Cincinnati.

WKYC, WKRC and WSAI are showcasing broadcasting studios at the Food Show in the Zoo Gardens, a 14-day event which last season attracted a quarter-million visitors. The L. B. Wilson station, CBS affiliate, is premiering its studio plane trailer, which is a complete broadcasting studio on wheels.

The Mutual outlet, WKRC, and Crosley's WSAI, NBC affiliate, are operating modernistic setups in glass enclosures. All three stations are originating six or more daily programs, with quiz and interview angles for public participation, from the temporary spots. When off the air, studios are open for inspection.

Quiz Twist

Minneapolis, Sept. 24.

A new and original type of quiz program has been started by WCTN under the sponsorship of a local furniture company. The interviewer asks a question and if it's correctly answered, the person interviewed wins a dollar and has the chance to win another buck by, in turn, asking the interviewer a question. If the interviewer is stumped by the query he has to fork across another dollar.

KERN Expands

Stn. San Francisco, Sept. 24.

KERN, Bakersfield, dedicates new studios and transmitter towers (20) with shift from 100 to 10,000 watts power. NBC outlet moves notch from 1370 to 1380 kc stripe. New setup includes studio seating 400, needed for Coca-Cola Kids Club, now in its sixth year on station. Robert Stoddard manages. KERN is member of McClellan family.

KARM, Fresno, also getting face lift, with new entrance lobby, two new offices—and even a new neon sign.

Maro Williams, cowboy chanter, has returned to WHO, Des Moines, after a summer at WGY, Schenectady, while his wife, Naomi, was appearing with Mohawk Drama Festival Co.

Radio Premieres This Week

(From Wed. to Following Thurs.)

Sunday, Sept. 29

Cooperative Group, WOR-MUTUAL, 6:30-7 p.m. 'Show of the Week' with Vincent Lopez Orchestra, Buddy Clark, Loretta Clemons, Milton Berle. Redfield-Johnstone. Announcers, local. Originates from N. Y. Hookup, 16 stations.

Ford Motor Co., WABC-CBS, 9-10 p.m. 'Ford Sunday Evening Hour' with Ford Symphony Orchestra, Andre Kostelanetz, Lily Pons, W. J. Cameron, N. W. Ayer. Producers, W. J. Reddick, H. L. McClinton. Originates from Detroit. Hookup, 63 stations.

Grove Laboratories (Bromo-Quinine), WJZ-NBC, 8:30-9 p.m. 'Sherlock Holmes' with Basil Rathbone and Nigel Bruce. Stack-Goble. Producer, Tom McKnight. Originates from Hollywood. Hookup, 53 stations.

Gulf Oil Corp., WABC-CBS, 7:30-8 p.m. 'Screen Guild' with Roger Pryor, Oscar Bradley's Orchestra, guest stars, Margaret Sullivan and James Stewart, Young & Rubicam. Producer, Harry Ackerman. Announcer, Bud Hiestand. Originates from Hollywood. Hookup, 70 stations.

'Knapp-Monarch Co. (Electric Shavers), WJZ-NBC, 11:45-12 noon. 'Ahead of the Headlines' with news analysis by editors of Newsweek. Cramer-Krasselt Co. Originates from N. Y. Hookup, 36 stations.

Libby-Owens-Ford Glass Co., WABC-CBS, 5-5:30 p.m. 'Design for Happiness' with Tom Moore, m.c., and Chicago Woman's Symphony Orchestra directed by Izler Solomon. United States Advertising. Producer, Leslie Mitchell. Originates from Chicago. Hookup, 72 stations.

Thomas J. Lipton, Inc. (Tea), WABC-CBS, 8-8:30 p.m. 'Helen Hayes' Theatre' with dramatic cast, Mark Warnow's Orchestra. Young & Rubicam. Producer, Adrian Samish. Announcer, Harry Von Zell. Originates from New York. Hookup, 63 stations.

Mennen Co., WABC-CBS, 5:30-6 p.m. 'Colonel Stoopnagle's Quixie Doodle,' with Col. L. Stoopnagle, Alan Reed, contestants; guest, Lew Lehr, H. M. Kiesewetter. Producer, S. S. Baker. Originates from N. Y. Hookup, 45 stations.

John Morrell & Co. (Red Heart Dog Food), WEAF-NBC, 3:45-4 p.m. 'Chats About Dogs' with Bob Becker, Henri, Hurst & McDonald. Originates from New York. Hookup, 52 stations.

D. L. & W. Co. (Blue Coal), WOR-MUTUAL, 4:30-5 p.m. 'The Shadow' with Bill Johnstone, Ruthrauff & Ryan. Originates from N. Y. Hookup, 63 stations.

Monday, Sept. 30

Standard Brands (Fleischmann's Yeast), WJZ-NBC, 8-8:30 p.m. 'I Love a Mystery' with dramatic cast. Kenyon & Eckhardt. Originates from Hollywood. Hookup, 45 stations.

Tuesday, Oct. 1

Emerson Drug Co. (Bromo Seltzer), WJZ-NBC, 8-8:30 p.m. 'Ben Bernie's Musical Quiz Show' with Ben-Bernie's Orchestra, Carol Bruce, contestants. Rhyatt & Ryan. Producer, Lee Cooley. Announcer, Dan Seymour. Originates from N. Y. Hookup, 65 stations.

S. C. Johnson & Son, Inc. (Floor Wax), WEAF-NBC, 9:30-10 p.m. 'Fibber McGee & Molly' with Marian and Jim Jordan, Bill Thompson, Hal Peary, Isabel Randolph, Billy Miller's Orchestra, King's Men. Needham, Louis & Brorby. Producer, Cecil Underwood. Script writer, Don Quinn. Announcer, Harlow Wilcox. Originates from Hollywood. Hookup, 79 stations.

Liggett & Myers (Velvet Tobacco), WABC-CBS, 9:30-10 p.m. 'Prof. Quiz' with Craig Egan, Bob Trout, Neill-Emmett. Producer, Don Langan. Originates from N. Y. Hookup, 68 stations.

Richfield Oil Corp., WOR-MUTUAL, 7:30-7:45 p.m. 'Confidentially Yours' with Arthur Hale, Sherman K. Ellis. Originates from N. Y. Hookup, 63 stations.

Wednesday, Oct. 2

Bristol-Myers Co. (Ipana, Sal Hepatica), WEAF-NBC, 9-9:30 p.m. 'Time to Smile' with Eddie Cantor, Dinah Shore, Raye & Davis, Tommy Mack, Bobby Sherwood, Edgar Fairchild. Young & Rubicam. Producer, George McGarrett. Announcer, Harry Von Zell. Originates from N. Y. Hookup, 83 stations.

E. I. du Pont de Nemours, WEAF-NBC, 7:30-8 p.m. 'Cavalcade of America' with Loretta Young and dramatic cast, Don Voorhes's Orchestra. B. B. D. & O. Producer, Homer Fickett. Originates from N. Y. Hookup, 44 stations.

Texas Co. (Texaco), WABC-CBS, 9-10 p.m. 'Texaco Star Theatre' with Fred Allen, Al Goodman's Orchestra, Portland Hoffa, Mighty Allen Art Players. Buchanan & Co. Producers, Paul Monroe, Howard Reilly, Bill Shore. Announcers, Jimmy Wallington and Larry Elliott. Originates from N. Y. Hookup, 87 stations.

Gillette Safety Razor Co., WOR-MUTUAL, 'World Series Broadcasts.' Maxon.

WJW Starts Mutual

Akron, Sept. 24.

Akron's WJW, heretofore strictly an independent local station, Sunday (22) became a member of the Mutual network. WADC is the Columbia outlet while the new WAKR, set for operation some time in October, will be a basic NBC blue network station. Cleveland's WTAM, carrying the NBC red network programs, also blankets this territory, the station's transmitter being located only 10 miles outside Akron's city limits.

WJW's affiliation with Mutual follows the acquisition of the station by William O'Neil, son of General Tire's prexy. Reshuffling of the staff and likely new studios in downtown Akron also are scheduled by O'Neil.

Maurice Condon of WGAR, Cleveland, in town last week expressly to meet the trade press.

CHUCK MYERS' KALE ALSO GETS A BOOST

Portland, Ore., Sept. 24.

KALE has received authority from the FCC to increase its night time power from 1,000 to 5,000 watts, on a frequency of 1300 kc. This follows the recent raise of KOIN's (CBS outlet) power to 5,000 watts.

Both stations are operated by the same company, headed by C. W. Myers.

WQXR's Latin Folk Musio

'Music of the Americas,' recorded music and commentary survey of the folk, serious and popular music of the Latin and South American countries, will be aired 5-5:30 p.m. Saturdays during October over WQXR, New York, by John M. Halpern. He is a music critic and lecturer.

PUT IT OVER
WITH THE
50,000
WATTS OF
WJIR

THE GOODWILL STATION
Detroit

G. A. RICHARDS, President

LEO FITZPATRICK, Vice Pres. & Gen. Mgr.

Too, Too Often the city name that follows a radio station's call letters designates the boundaries of its advertising effectiveness.

But the Word 'Detroit' following those familiar call letters of WJIR is purely indicative of the point of broadcast origination. For WJIR :: Michigan's Greatest Advertising Medium :: not only covers the whole state, but also parts of three other states.

Little Wonder That Conferences on sales and advertising these days often hear and approve the sensible suggestion :: "let's put it over in Michigan with the 50,000 watts of WJIR!"

BASIC STATION... COLUMBIA BROADCASTING SYSTEM
EDWARD PETRY & CO., NAT'L REPRESENTATIVES

Who Buys New Shorts?

WBNS

LISTENERS ARE LONG ON BUYING!

WBNS

Central Ohio's Only CBS Outlet

JOHN BLAIR & CO. Representatives

Expect Law Revision Okaying FCC's Divulging Any 5th Column Clues

Washington, Sept. 24.

Changes in the Communications Act may be necessary to derive maximum advantage from the Federal Communications Commission's enlarged chain of listening posts, now being improved and expanded to keep a closer check on possible fifth columnist activities. Under existing statutes and court decisions, the eavesdroppers are forbidden to disclose any subversive programs they may pick up.

As the House approved an emergency allotment of \$175,000 for relocating six monitoring stations, Commish and Justice Department lawyers were looking for some way around Section 605, which makes it a crime to reveal the contents of any private message transmitted by wire or radio and which apparently applies with as much force to the government itself as to private snoopers. In addition, the United States Supreme Court has outlawed evidence gained by wire-tapping.

Among all the excitement about subversive influences and national defense, the FCC has intensified its efforts to keep up with everything passing through the ether. Round-the-clock watches are maintained, with any suspicious sounding messages or programs being recorded for further checking. Any communications that sound as though they might be instructions to alien agents or un-American propaganda are supposed to be turned over to the Justice Department for checking through the Federal Bureau of Investigation.

Messages Sacred

The law, however, says messages cannot be divulged to anybody except the addressee, his agent or attorney, or in response to a court summons. Question is whether the FCC has the power to hand over its recordings to the G-men, no matter what the motive.

Originally the monitoring stations were intended to see that licensed transmitters stick to their frequencies and ride down any unauthorized operators. In recent years the FCC has used them to check up on the general program service and to measure the amount of interference encountered by standard broadcasters. If its listeners pass on evidence to the F.B.I., technically they would be guilty of violating the statute.

Notwithstanding, Congress is about to grant additional money to make the eavesdropping more effective. Fund voted by the House Monday (23) will permit moving of existing plants at San Pedro, Calif.; Portland, Ore.; Atlanta, Great Lakes, Ill., and Baltimore, and acquisition of Westinghouse property at Millis, Mass. In addition to this \$175,000, the Commish is spending \$1,600,000 it received from President Roosevelt's blank check defense fund and some of its regular appropriations, obtaining permanent stations in Alaska, Puerto Rico, Hawaii, the Virgin Islands, and much mobile equipment.

Necessity for intensifying the radio watch was stressed recently to the House Appropriations Committee by Chief Engineer E. K. Jett, who also said the checks being made show propaganda is coming to the United States from "belligerent countries." He said plans have been worked out in conjunction with the Army and Navy and described the activity as of vital importance to national defense.

IT'S CAPT. HITTENMARK

But NBC Speller Can Still Do His Stuff at Mike

Washington, Sept. 24.

No. 1 example of an announcer who finally gets to believe the blarney he reads into the mike is Gordon Hittenmark. And occasionally the local NBC speller regrets it.

Early in the summer, after repeating the "now-is-the-time-for-every-man appeal of the Army, Hittenmark got the patriotic urge and signed up with reserves. Within a short time, he was ordered to turn out for the maneuvers in upstate New York—involving a substantial outlay for his military wardrobe. After getting back to civilian life he figured he had done his duty, but soon was summoned to active service. Fortunately, Capt. Hittenmark was able to shuffle some of his assignments and, since he's going on duty in the home town, still can do his tricks at the mike.

WOV, N. Y., Building New 5th Ave. Studios

New studios are being built by WOV, New York, to be located at 730 Fifth Avenue, several blocks from its present location at 123 West 43d street. Move will be made about Jan. 1, simultaneously with start of broadcasting on the station's increased power of 10,000 watts over a new directional antenna. Station also hopes to receive FCC's okay on its application for a 1,000-watt FM transmitter in time to start broadcasting on that at the same time. Building to be occupied by WOV at the Fifth Avenue address already houses WQXR, another indie New York station.

N.A.B.'s 20th Anni

Washington, Sept. 24.

What to do about a fitting celebration of the outfit's 20th anniversary is perplexing National Association of Broadcasters heads. The flag-waving should take place this fall, but will be put off at least until after the November election.

Chief trouble is what sort of ceremonies to stage. The trade group failed to do anything about it at their San Francisco convention, and brass-hats don't like the idea of appointing another committee—there are enough committees now.

Loretta Young Starter For Dupont Cavalcade

Loretta Young from Hollywood will open the new Cavalcade of America series (DuPont) on the NBC-red (7:30-8 p.m.) Oct. 2 in 'The Lost Colony.' She'll play the part of Elinor Dare. B.B.D.&O. is the agency.

Radio, Dailies Stand to Lose Plenty If South Carolina Adopts Prohibition

Spartanburg, S. C., Sept. 24.

Should 1941 legislature carry out mandate of overwhelming dry victory in South Carolina's recent liquor referendum, radio stations and newspapers stand to lose a lot of hard cash. Bulk of alcoholic beverage advertising handled by stations in state is confined to beer, ale and wine, but many have large accounts. In referendum, citizens voted by a majority of more than 50,000 to stop legal sale of alcoholic drinks. Ballot is not final word, since legislature must act, but assumption is political pressure of dries will cause lot of careful thinking when lawmakers meet in January.

Meanwhile, state's hundreds of liquor stores remain open and beer, wine and ale are being sold across counters. Advertising in both newspapers and radio is being continued.

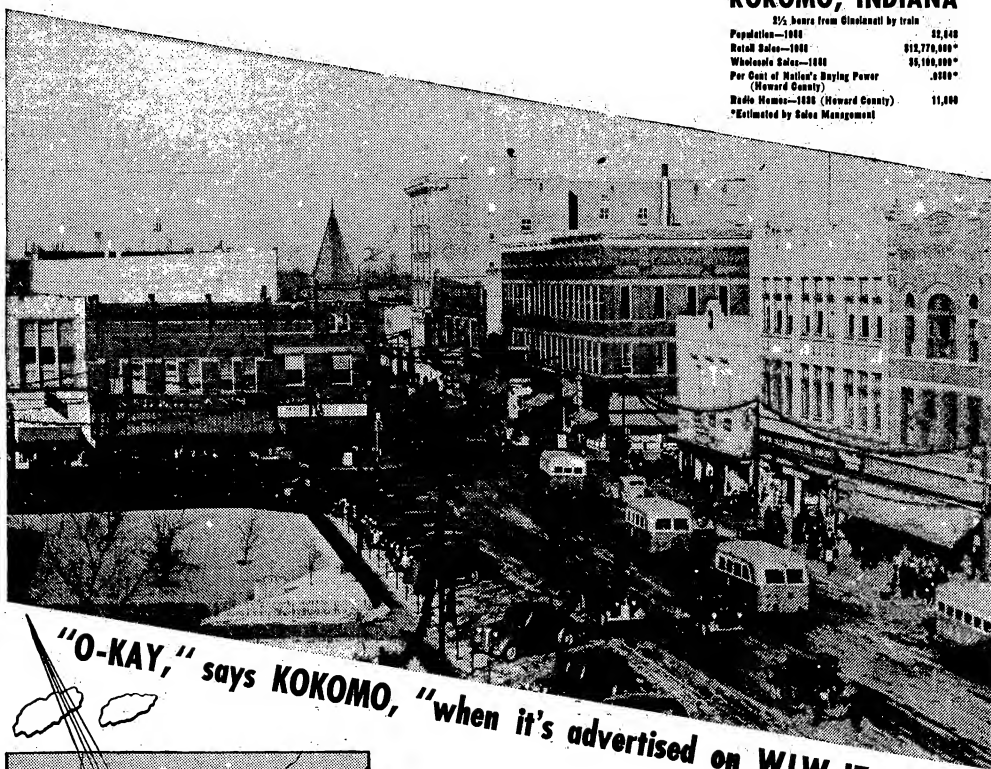
minus contract cancellations. Renewals may be another problem.

Several hopeful factors enter into the picture. One is, alcoholic beverages poured \$3,000,000 in taxes into state till last year, and on top of that legislators came home without whipping a \$2,000,000 state deficit which Demon Rum might handle. Also, 22 counties had wet margins, while 24 wound up with dry majorities, which may result in local option, since several lawmakers say they will vote according to home county majorities when they trek back to the capital. Another factor is that unemployment is still a state problem, and liquor stores, trucking and other branches of biz carry large payrolls.

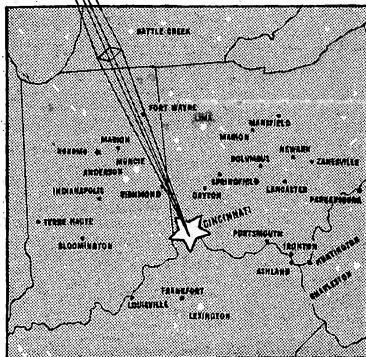
Buffalo—Al Zink, Sr. named press agent at WEBB, where he's drama director.

KOKOMO, INDIANA

2½ hours from Cincinnati by train
Population—1940 22,400
Retail Sales—1939 \$12,776,000*
Wholesale Sales—1939 \$5,100,000*
Per Cent of Nation's Buying Power (Howard County) .0000*
Radio Homes—1939 (Howard County) 11,000
*Estimated by Sales Management



"O-KAY," says KOKOMO, "when it's advertised on WLW IT SELLS!"



It is to be expected that the Nation's Station moves merchandise 'way over there in Indiana, for WLW is a regular listening habit in Kokomo just as it is in more than two-score other rich trading centers within its primary area. And what could be more natural than that wholesalers and retailers in all of these important markets make the resulting preference for WLW-advertised brands their guide to greater sales?

REPRESENTATIVES:
NEW YORK—Transamerican
Broadcasting and Television
Corp., CHICAGO—WLW, 230
North Michigan Avenue, SAN
FRANCISCO—International
Radio Sales.

WLW THE NATION'S
most Merchandise-able
STATION

SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY
5000 WATTS BY DAY • 1250 KILOCYCLES • 1000 WATTS BY NIGHT

BLUE BIZ ON UPBEAT!

Blue Network Improvements Since June 1, 1940

New Blue Florida Group Added

WJHP Jacksonville WKAT Miami Beach
WMTJ Daytona Beach WTMC Ocala

Other Stations Added or Scheduled for Addition

KOME Tulsa KXOK St. Louis
WCBS Springfield, Ill. KFRU Columbia, Mo.
WAKR Akron

Completed Improvements

WRNL, Richmond (1000 watts 880 kc.) was substituted for the previous outlet, which operated at lower power on a less favorable frequency.

WSGN, Birmingham. Increased its power to 250 watts.

WBZ, Boston, began operation with new antenna and new transmitter on new site at Hull, Massachusetts, giving direct salt water coverage to the Boston market.

Other Improvements Now Being Made

KOB, Albuquerque. Increases power to 50,000 watts, giving Blue Network excellent clear-channel coverage of the Mountain area. New building, new transmitter, new antenna.

KERN, Bakersfield, California. Increases power from 100 watts to 1000 watts. New transmitter.

WELL, Battle Creek. Increases power from 100 watts to 250 watts.

WHK, Cleveland, Ohio. Increases night power to 5000 watts, and also installs directional antenna.

WKAT, Miami Beach. Increases power from 250 watts to 1000 watts and changes frequency from 1500 to 1330 kc. New location, new transmitter.

KFSD, San Diego. Increases power to 5000 watts. New transmitter, new site and new antenna.

KSCI, Sioux City. Increases night power to 5000 watts and installs directional antenna.

WMAL, Washington. Increases power to 5000 watts. New location, new transmitter, new directional antenna.

Further Improvements for Which Authority Has Now Been Granted

WBAL, Baltimore—To use 50,000 watts.

WXYZ, Detroit—To use 5000 watts night.

WFDF, Flint—To use 1000 watts and change frequency to 880 kc.

KTMS, Santa Barbara—To use 1000 watts.

KOBAK'S MEMO TO TRAMMELL

After 90 Days of Operation as Separate Setup, the NBC Blue Loop Is Hypoed into Scrappy Outfit—New Slogan Is 'It's Easy to Do Business With the Blue'

STRESSING SHOWS

Plans, progress and complete picture of the NBC Blue Network since its official separation from the Red some three months ago were recently reported in a memorandum from Vice President Edgar Kobak to Niles Trammell, President of the National Broadcasting Co. Text of the report is as follows:

(COPY OF MEMO)

The Blue Network has been paddling its own canoe for some three months now and I think it time to make a comprehensive report of our activities since you established the Blue Network as an independent unit of the National Broadcasting Company.

I am particularly pleased with the effect on our own people. The Blue Network is no longer on the defensive and our own salesmen are the first to benefit by the change. With Keith Kiggins heading sales, assisted by Paul McCluer in Chicago, Tracy Moore in Hollywood, and with 18 able men selling the Blue exclusively, I'm confident that we're on the way to building up the finest sales force not only in radio, but in the entire advertising field. Our own men are enthusiastic about the set-up and so are outside station representatives, clients and their agencies. The typical comment is, "You should have done it long ago."

New Assignments

We're applying this man power in a new way. Whereas formerly one man contacted a whole agency, we're now assigning by account rather than by agency. In other words, given a specific account our salesman will contact the client and those agencies with which he does business, thereby getting a better picture of the account as a whole and also increasing our opportunities to be of service.

New Clients

Now where are we going? What is our market? Right now we're pretty well fixed with veteran radio sponsors and we expect to get others, but we're looking to the prospect who has never been on the air as our richest source of future development. We believe that the station effectiveness of the "Blue" plus the constructive work we're doing in building programs makes the Blue Network a particularly suitable choice for the growing business ready for its first radio venture.

New Stations

Although we've always been an exceptionally good radio bargain, we're taking steps to make the Blue a better buy than ever. To that end we've added numerous stations to round out our coverage and allow advertisers still greater flexibility.

New Programs

But it's in the field of programming that we're going to make our greatest strides. Nobody's going to have an advantage on us there. First of all, we're making no bones about our attitude towards new shows on the Blue. We're telling clients frankly that just being on the air today is no

BLUE NETWORK ADVERTISERS

September 23, 1940

NEW ACCOUNTS	PROGRAM TITLE	PERIOD
Emerson Drug Company, Ben Bernie	"Uncle Jim's Question"	Tues., 8-8:30 P.M.
Lever Bros. (Spry)	"Bee"	Fri., 8:30-9 P.M.
Ohio Oil Company	"Title Tales"	Fri., 10:30-11 P.M.
Harold Clapp Baby Food	"Mother O'Mine"	Mon.-Fri., 4-4:15 P.M.
Knapp-Monarch Co.	"Ahead of the Headlines"	Sun., 11:45-12 noon.
Dr. Earl S. Sloan, Inc.	"Gangbusters"	Fri., 9-9:30 P.M.
Canadian Railways	"Canadian Holiday"	Thurs., 8-8:30 P.M.
Modern Food Process.	"Olivio Santoro"	Sun., 5:15-5:30 P.M.
Miles Laboratories	"Quiz Kids"	Wed., 8-8:30 P.M.
Bedford Speech Institute	"Speak Up America"	Sun., 1:30-8 P.M.
Nash-Kelvinator	"Nash News Reporter"	Mon.-Sat., 9:30-9:35 P.M.
Charles Guldien, Inc.	Musical	Tues. & Thurs., 6:30-6:45 P.M.
Lewis-Howe Company	"Fame and Fortune"	Thurs., 9-9:30 P.M.
Grove Laboratories	"Sherlock Holmes"	Sun., 8:30-9 P.M.
Standard F-rands, Inc.	"I Love a Mystery"	Mon., 8-8:30 P.M.
United States of Brazil	Pearson and Allen	Sun., 7-7:15 P.M.
ACCOUNTS LOST		
(Since June 1)		
Gordon Baking	"One of the Finest"	Tues. & Thurs., 7:30-8 P.M.
Brown & Williamson	"Plantation Party"	Fri., 9-9:30 P.M.
Westinghouse	"Musical Americana"	Tues., 9-9:30 P.M.
Canada Dry	"Information Please"	Tues., 8:30-9 P.M.
(Last program Nov. 11)		
RENEWALS		
Welch	"Dear John"	Sun., 9:30-9:45 P.M.
Andrew Jergen's	Walter Winchell	Sun., 9-9:15 P.M.
Andrew Jergen's	Parker Family	Sun., 9:15-9:30 P.M.
Colgate-Palmolive-Peet	Bill Stern	Sun., 9:45-10 P.M.
Anacin Co.	"Easy Aces"	Tues., Wed., Thurs., 7-7:15 P.M.
Anacin Co.	"Just Plain Bill"	Mon., Tues., Wed., 3:45-4 P.M.
Kolynos Co.	"Mr. Keen, Tracer of Lost Persons"	Tues., Wed., Thurs., 7:15-7:30 P.M.
Procter & Gamble (Chipso)	"Painted Dreams"	Mon.-Fri., 10-10:15 A.M.
Procter & Gamble (Crisco)	"Vic & Sade"	Mon.-Fri., 10:15-10:30 A.M.
Procter & Gamble (Ivory Flakes)	"The Story of Mary Marlin"	Mon.-Fri., 10:30-10:45 A.M.
Procter & Gamble (Carnay)	"Pepper Young's Family"	Mon.-Fri., 10:45-11 A.M.
Reynolds Tobacco	"Luncheon at the Waldorf"	Sat., 1:30-2 P.M.
A. S. Boyle	"John's Other Wife"	Mon., Tues., Wed., 3:30-3:45 P.M.
J. B. Williams	"True or False"	Mon., 8:30-9 P.M.
Advertisers Continuing Under Current Contracts		
PROGRAM TITLE PERIOD		
Adam Hat Stores, Inc.	Madison Square Garden Boxing Bout	
Air Conditioning Train-Ing Corp.	Sidney Walton's Music	Sat., 10-10:15 A.M.
Midway Chemical Co.	"Just Plain Bill"	Thurs., Fri., 3:45-4 P.M.
Cal-Aspirin Corp.	"Amanda of Honey-moon Hill"	Fri., 3:15-3:30 P.M.
Ironized Yeast	"Good Will Hour"	Sun., 10-11 P.M.
Lewis-Howe Co.	"Pot o' Gold"	Thurs., 8:30-9 P.M.
Modern Food Process Co.	Moylan Sisters	Sun., 5-5:15 P.M.
Pacific Coast Borax Co.	Death Valley Days	Fri., 8:30-9 P.M.
Chas. H. Phillips Chemical Co.	"Amanda of Honey-moon Hill"	Mon.-Thurs., 3:15-3:30 P.M.
Ralston-Purina Co.	Tom Mix Ralston Straight Shooters	Mon.-Fri., 5:45-6 P.M.
Sun Oil Co.	Lowell Thomas	Mon.-Fri., 6:45-7 P.M.
R. L. Watkins Co.	"Orphans of Divorce"	Mon.-Fri., 3:31-3 P.M.
Wyeth Chemical Co.	"John's Other Wife"	Thurs., Fri., 3:30-3:45 P.M.

longer enough, that we're not merely interested in selling time, but in seeing that such time is filled with nothing but high-class entertainment. It is as much to advertisers' interest as to our own to see that every program on the Blue Network is a potential "best seller."

Likewise, when it comes to building our own shows, we're going to practice what we preach. Our contribution in that field is going to consist of bigger and better sustaining programs, new types of shows, and continual experimentation to raise the standard of network entertainment. You remember, of course, that "Information, Please," began as a sustainer on the Blue. Well, that's the calibre of entertainment we're aiming at in all fields. And, right now, with sustaining programs ranging all the way from Toscanini and Metropolitan Opera to the Chamber Music Society of Lower Basin Street we'd say we're heading in the right direction.

More Cooperation

In the past we have perhaps leaned backward to say "no" to advertisers. Now we intend to make cooperation the watchword of the Blue. We don't intend to violate sound business principles to achieve this end, but we are going to make our policies elastic enough to cooperate with the ad-

vertiser whenever his case so merits.

That is why we changed the Blue policy in regard to laxatives. Such advertisers who were on the air before the ban went into effect and therefore stayed on the air have proved by now that they can give the public a good program, presented in good taste. And we felt that we were discriminating against other potential Blue advertisers in denying them equal opportunity. So we removed the ban as a flat edict. But the burden of proof still rests with the advertiser himself. Before he signs a contract he must convince us that his program fulfills our entertainment requirements and that his commercials are beyond reproach. To sum it up, we have an open mind, and we shall keep it open for all clients. What we'll do for one—we'll do for everyone, and for public service.

Look at the Record

Now for a few vital statistics that speak for themselves. Our dollar volume for the months of June, July and August was 17% above the same period in 1939. We've gained 16 new accounts, lost four, renewed 14. I think the figures above show that we're really going places and that our slogan, "Better Buy Blue" means more today than ever before.

(Signed) Ed Kobak.

ADVERTISERS DON'T NEED A MILLION

to do a national advertising job on the Blue Network!

Why is the Blue a grand buy? Well, first, is its low cost. No other medium costs as little nationally. This is the result of the Blue Network Discount Plan, which enables your network to grow with your business. Second, the Blue's "Money-Market" coverage—concentrated where 72% of the country's effective buying power is located. Third, the well-known Blue bonuses—circulation increases at no increase in cost, made periodically through station improvements.

Yes—the Blue is the year's best advertising buy! For less than \$5,000* for a nation-wide nighttime half-hour, it will show you that sales begin where the Blue begins. National Broadcasting Company, a Radio Corporation of America Service.

*Time only.

NBC BLUE NETWORK

Sales thru the air with the greatest of ease

Inside Stuff—Radio

Quaker Oats and the Chicago office of Ruthrauff & Ryan are reported to be in a quandary about going through with their commitments on a program tagged "The Wishing Well". Account has the Sunday 5:30-6 p.m. period on the NBC-red under contract, starting Oct. 27, and what is causing the hesitation about "Wishing Well" is the possibility of legal complications. Several programs like it have been offered around ad agencies. Also with the same title.

Program's theme deals with the fulfilling of the wishes of obscure persons. For instance, some sales clerk in Peoria whose big wish has always been to enter a swanky New York nitery in an ermine coat would have that dream fulfilled, with all the trimmings, and on the next program she would be there to tell about her reactions.

WNVC, the municipally-owned New York City station, is figured to have turned out an unusual number of recruits to the networks. Among those employed either as broadcasters or station personnel on CBS, NBC and Mutual, and formerly at WNVC, are Ted Cott; announcer and dramatic director whose "So You Think You Know Music" has been on CBS for about a year; Charlotte Manson, from WNVC's Radio Playhouse, now on several network commercials series; Anthony Marvin, WNVC announcer and now ditto at CBS; Eugene McNulty, singer and production man at the municipal station and now known as Dennis Day on the Jack Benny program; Russ Johns, production man and announcer now with John S. Young's radio staff at the World's Fair; Dick Pack, continuity and publicity at WNVC and now on the publicity staff at WOR. Joe Hasel and Nat Berlin, now at WNEW, are also former WNVC-ers.

Columbia will make some construction changes to the rehearsal studios in its new annex on East 52d street, N. Y. Work is the result of numerous complaints from neighbors, several of whom are newspaper men who do their sleeping during the daytime. When built, the regular studios were supposed to be the ultimate in acoustics, an innovation being a system of adjustable panels to deaden or heighten sound. Idea hasn't been as successful as anticipated, however.

By way of added headaches from its neighbors, CBS also was the object of complaints to the police by a nearby resident. Lyn Murray, one of the network's musical staff, worked on a composition until early morning recently, until police acting on neighbor complaints ordered the "noise" be stopped.

Columbia's field press agent, George Crandall, is currently on a schedule to make 25 towns within 26 days. Crandall has the unique job of selling newspaper managing editors on the idea of using some sort of network publicity service, even if there is a local newspaper pact against having anything to do with radio. His job also entails working up interest among newspapers in CBS' new seasonal line of shows. He carries with him the title of assistant director of publicity.

Crandall has to date made 75 towns with CBS affiliated stations. His assignment includes hyping the press agents for these stations into putting more effort behind their ballyhoo for CBS programs. Crandall formerly made the rounds in behalf of Columbia's N. Y. Philharmonic symphony broadcasts.

WOR, New York, officials swear that this is no pipe dream. Seems that a Newark studio rehearsal by Benny Krueger's orchestra for the show "Topics and Times" was halted several times by police calls coming through into the control room. Engineers on the job couldn't figure out where it was coming from until one went into the studio, where the band was playing, to investigate. He found that an electric guitar being played by one of the men was acting as a radio receiver, picking up the calls emanating from the police transmitter WQIE only a block away.

That's not quite as bad as the one couple of years ago when a guy used to pick up WOR's signal via the filling of his teeth and walked around Newark telling skeptics just what the station was broadcasting, without being near a conventional receiver.

Peddling of tickets to broadcasts of network commercial programs held from studio theatres in the Times Square area is beginning to wear on the cops patrolling the district. Most of the vendors are youths in their teens and the police have so far been disinclined to make any arrests, preferring to break up the curb pitches with orders to scram. Prices asked depend on the ticket demand for the program and the nearness of broadcast time. It's the quiz programs that inspire the highest quotations, because the buyer has a chance of being selected for a mike appearance and coin prizes. Among the shows that get a big play from the kid "scalpers" is Wahl Pen's "Take It or Leave It" broadcast at CBS' 45th Playhouse, Top price asked on the sidewalk for tickets to this event is 75c.

Reason Bing Crosby did not make the ballyhooed appearance on the NBC-blue Thursday, Sept. 12, with Lawson Little was because of a protest put in by John U. Reber, of the J. Walter Thompson agency. Crosby and Little were to chin about National Amateur tournament that the singer had participated in that day at Wing Foot Golf Club, Mamaronock, N. Y. This broadcast was set for 9:30. Reber called NBC that afternoon and wanted to know whether it had forgotten that Crosby's regular sponsor, Kraft Cheese, had a program on at the same time over the NBC-red. Reber added that Crosby's sustaining date would be an outright case of competition with his own sponsor. The sustaining event was called off, but no mention of the cancellation was made over the air at 9:30 that night.

Use of free talent to promote a regular weekly Radio Night for a Coast nitery proved an expensive undertaking on the first out when American Federation of Radio Artists stepped in and collected 15% cut of the night's

biz. I. B. Kornblum, AFRA's attorney and executive secretary, advised the operators that the bite would have been only 15% of the covers if AFRA had been advised of the promotion. Turnout was only fair and many of the advertised names failed to show. It is not likely that the special night will be continued unless a better bargain can be struck with AFRA.

J. Walter Thompson agency has a member of its radio department staff traveling with Wendell Willkie, Republican presidential candidate, to take care of any radio facilities that Willkie may require. The touring contact for Thompson is H. K. Spencer. Later communications with his New York office and the orders are relayed from that point to the networks. Though Spencer has been active on program production for over 10 years his traveling assignment does not include any coaching mike technique.

William B. Gellatly's quest for partners in his Radio Advertising Corp. is the subject of much buzzing in the trade. Among those named as possible backers of this station representation-program building venture is Stanley Hubbard, of KSTP, Hubbard, it is understood, has been trying to induce the operators of other midwest stations to come in with him on the proposition. Gellatly last week brought in C. Otis Rawalt as manager of his program division. Rawalt used to be with NBC's recording department.

The Canadian Broadcasting Corporation's appeal against being assessed for taxation by the town of Watrous, Sask., was heard recently before the Saskatchewan Assessment Commission. The CBC asking that the case be withdrawn but the commissioners ruling otherwise and dismissing the appeal. Technically, the difference in such action therefore leaves the assessment by the town standing, and therefore the way open to continue endeavoring to collect the taxes against the CBC properties at Watrous. When that happens, it was surmised, the CBC would then fight the case.

Divergence of opinion on what constitutes his best selling point for radio showcasing temporarily halted audition of the Charles Boyer show last week at NBC. Wayne Griffin, producer for Batten, Barton, Durstine & Osborne, insisted that he forget about dramatics and adopt a free-and-easy emcee style. French actor demurred, demanding a fat dramatic spot. Griffin called the whole thing off and started shopping around for another emcee when Boyer cooled and said he would do it Griffin's way when he returns from New York in a couple of weeks.

NBC is using what sounds like a new signoff on some sustaining programs. It is: This has been a presentation of the National Broadcasting Company and independent radio stations associated with the NBC network. Such a tabbing was heard, for instance, at conclusion of University of Chicago Round Table over the red band Sunday (15). Employed, too, at end of Elsie Mae Gordon's "Your Voice and You" half-hour via the blue band.

In response to a letter from Forjoe & Co., station reps, asking for rates on a 15-minute political transcription from the Socialist Party, stations last week had their own reps inquire into the actual source of this business. Inquiry disclosed that the recordings were being handled by the Henry Finkle agency, whose address was the same as Audioscriptions, Inc. The period sought is any time between 7:30 and 9 p. m. Sunday, Oct. 20.

Louella Parsons drew down \$3,000 and round trip expenses for herself and daughter, Harriet, for her appearance Friday night on the Kate Smith season inaugural, in which "Brigham Young" was spotted for the dramatic highlight. 20th-Fox footed the payoff. "Brigham" was the first of a series of dramatic inserts on the Kate Smith show, a continuance of last season's arrangement with 20th.

"This Moving World," news and commentary program on NBC's Coast blue web, has the unique distinction of being the only show thereabouts without a time limit. Airing six nights a week under direction of Franklin Bingham, news is broadcast and discs spun until the entire batch is exhausted, whether it requires 15 minutes or 50 minutes.

Rate which Nash will pay for the five-minute news strip with John B. Kennedy on the NBC-blue at 9:30 p.m., starting Sept. 30, is 20% of the network's hour rate. The rate for the 25-minute periods subsequent to these news broadcasts is 50% of the hour rate.

Louise Florea, NBC soloist, sang on Willkie program Monday at Coffeyville, Kas. Wendell Willkie roomed at her parents' home when he was high school teacher in Coffeyville and she was small child.

WLW, CINCY, RENEWING DIRECT GRID AIRINGS

Cincinnati, Sept. 24.

As for the past several seasons, WLW will again do its own direct airing of important midwest college football games. Schedule covers nine Saturday afternoons, starting Sept. 28, which is the only tilt as yet uncarded. Dick Bray, who broadcast most of the station's pigskin clashes last year, will do the miking. He will be accompanied by David Conlon, remote-control engineer. Bray, 33, is the youngest official in the Big Ten Conference and one of the few men refereeing in major college football and basketball. During the baseball season he teams with Roger Baker in broadcasting the Reds' games.

WLW's football schedule includes four Notre Dame contests: Georgia Tech, Carnegie Tech and Iowa, at South Bend, Ind., and Northwestern at Evanston, Ill. Also the Texas-Indiana game at Bloomington, Ind., Wisconsin-Purdue at Lafayette, Ind., Alabama-Kentucky at Lexington, Ky., and Kentucky-Georgia Tech at Louisville, Ky.

Reggie Martin G. M. Of New WINX, Wash.

Washington, Sept. 17. Reggie Martin, formerly general manager of WJNO, West Palm Beach, has been appointed g.m. of WINX, new station which is slated to begin operation here about Oct. 1. Lawrence J. Heller is owner. Before being associated with the West Palm Beach station, Martin was with WSBT, South Bend; WIRE, Indianapolis; the Iowa network, and KFAB-KFOR, Lincoln, Neb.

Coca-Cola Cites Radio Audience of Its Shows In Suit Versus Nehi

Wilmington, Del., Sept. 24.

Approximately 327,630,000 listeners heard the Coca-Cola Company's radio programs in 1939, Price Gilbert, Jr., vicepresident and advertising manager, testified in Coca-Cola's suit to restrain the Nehi Corp. of Columbus, Ga., from using the word cola in advertising. The suit, which opened Monday in U. S. District Court, is expected to continue for several weeks.

Coca-Cola, contending it spent \$102,751,657.30 in advertising between 1892 and the end of 1939, charges Nehi with attempting to profit on the Coca-Cola trademark and reputation. Nehi, on the other hand, claims Coca-Cola with trying to create a monopoly in the cola field.

The suit has created widespread interest as other companies are using cola in radio and newspaper advertising of products.

SAN ANTONIO RADIO MEN CALLED BY MILITARY

San Antonio, Sept. 24.

National Defense has taken two members of local radio row. They are Jimmy Dupree of KTSA and Horace Shelton of KMAC.

Dupree, for the past 10 years chief transmitter engineer for KTSA, ordered to Hamilton Field, California, for service in the 819 Signal Corps. On his leaving the station he was presented with a sash inscribed with "KTSA Salutes You," and now its Lieutenant Dupree.

Shelton was announcer for KMAC and has also been ordered to report in California.

OMAHA'S BIG FOOD SHOW

Under WOW's Management—Todd, Verrill, Peabody, Rector Set

Omaha, Sept. 24.

Most ambitious show in the long string of annual food shows will start Sept. 30 for a week at the local municipal auditorium sponsored by merchants and handled this year by WOW. After weeks of preparation, trying for names and big radio stuff, WOW has set a heavy week starting Monday with Captain Barney's Avalon cigarette "Showboat" with Beulah and Bill, Dick Todd and the rest of the aggregation. Virginia Verrill, film player will also be listed among the attractions which will include a local band. The attraction Tuesday is scheduled as food expert George Rector who will conduct an all-gas cooking school, and on Wednesday, Thursday and Friday Ralph Edwards brings his "Truth Or Consequences" quiz show sponsored on the air by Ivory Soap.

A late booking, and one of the most important will be the Saturday night closing bill which will include not only Edwards and his quiz, but the slamming of the WLS band dance on top of it all, with Eddie Peabody and his banjo.

Shows doing national hookups will put them on from the local stage.

FITZPATRICK'S ASSURANCES

All Called for Military Duty to Get Jobs Back

Detroit, Sept. 24.

Leo J. Fitzpatrick, executive vice-president and general manager of WJR, notified employees that all men called in the draft will find their jobs waiting for them when their military service is ended. There are 154 persons on the studio payroll, with a majority of them falling within the draft age.

Several others of the staff are on the reserve list and expecting call at any time.

William D. Fabst, of KFRC, San Francisco, visiting New York.

Lively Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN
MARKET
FOR
KOL

Representative
JOHN BLAIR
& COMPANY

The POPULAR Station
Salt Lake City

NBC
RED
NETWORK



WBAL
means business
in Baltimore

CONSTRUCTION PERMIT GRANTED

FULL TIME

On 1060 kc and

**50,000
WATTS**

Hysteria

Continued from page 25

entertainment values. The hope is simply that somehow there will be a recognition that discretion and the lessons of the last war will be underscored. In the name of government policy, or immediate aims, propaganda must not harnessed, dangle or artfully mislead the people. Because the people will find out afterward and the reaction will be worse for the country and for democracy than any present danger to democracy.

Memorandum

The above, naturally only a rough summary translation, applied to the interests of radio, pictures and legit and song publishing, of a discussion that was conducted more or less up in the clouds of professional patios. The memorandum of conviction which was signed, tells the story in the group's own words:

America is now rearming. Our factories are manufacturing implements of war and, within a few months, hundreds of thousands of men will be called to the colors—not to make war, but to prepare the defense of America and of the American way of life.

These military measures are of vital importance. Morale is of at least equal importance. A low morale undermines resistance, destroys efficiency, provokes dissension and prepares for panic and collapse; a high morale releases and multiplies human energies, creates a power of endurance, a spirit of helpfulness and a capacity for united effort.

If morale is to consist of something more than a state of emotional intoxication, it must rest upon a basis of sober conviction. Americans must realize that their America is worthy of every personal sacrifice. American morale must spring from a love not merely of soil and home, but of those values of life to the realization of which America is dedicated; it must be founded on a revitalized adherence to those principles of liberty, equality and respect for dignity of the human person on which its institutions were originally founded.

A sound American morale cannot be built on a mere defense of traditional American rights, or on heresy hunting, a suppression of dissent or on the hatred of a common enemy. It must rest upon a positive program. Such a program must conceive democracy in terms of increasing satisfaction of the needs of all our citizens. The building of American morale requires the systematic extension of economic and psychological security, and of mass participation in the formation of public policy. It requires the assurance that all the people shall enjoy the right to work and to grow, which is the basic promise of democracy.

Many groups and agencies are aware of this problem and are already contributing to its solution. But they are in need of a more comprehensive, systematic and unified endeavor.

The achievement of a high morale, like military preparation, takes time. It is imperative that this preparation begin at once. But to achieve a sound American morale is to do more than meet a temporary emergency. It is to lay the foundation of a vigorous and developing national life for the years to come.

The group included:

Edward L. Bernays, chairman.
Gordon W. Allport, professor psychology, Harvard.
Lynman Bryson, professor adult education, Teachers College.
Merle Crowell.
Carl J. Friedrich, professor politics, Harvard.
Stanford Griffith.
Thomas W. Huntington.
C. D. Jackson, president, Council for Democracy.
Foster Kennedy, president, American Neurological Assn.
Robert S. Lynd, professor sociology, Columbia University.
Ralph Barton Perry, professor philosophy, Harvard.
Houston Peterson.
Theodor Uppham Pope.
Floyd Ruch.
Raymond Gram Swing, chairman, Council for Democracy.
Robert M. Yerkes, Yale University.
Lawrence Frank, Josiah Macy Foundation.
Allen Grover, director Public Relations, NBC.
Clay Morgan.
Thomas H. Angell, president emeritus, Yale University.

COWLES MEN TRAVEL

Des Moines, Sept. 24.
Ted Enns, national sales manager of the Cowles' radio stations, Des Moines, is in New York on business. Luther Hill, vicepresident, and Craig Lawrence, commercial manager, KSO-KRNT, attended the Mutual meeting held in Chicago Sept. 18.

James Moore to Manage New Roanoke Station

Lynchburg, Va., Sept. 24.
New station will be opened at Roanoke, Va., about Oct. 1, as part of the tri-city hookup. Others are WLVA, Lynchburg, and WBTM, Danville, Va. Construction authority was granted the Roanoke Broadcasting Corp. by the FCC recently. Studio and transmitter will be in the Shenandoah Life Insurance building. Call letters not yet assigned.

James N. Moore, assistant manager of WLVA, will be resident manager of the new 250-watt station. Philip Allen, of Lynchburg, will be general manager of all three stations, with headquarters here. Paul C. Buford, of Roanoke, is president of the new corporation; Edward A. Allen, Lynchburg, is vice-president; Henry E. Thomas, Roanoke, secretary, and Philip Allen, treasurer.

Application for the license was unopposed by Roanoke interests. Only other station located there is WDBJ, newspaper-owned CBS affiliate.

G.O.P. Spots Up

J. Walter Thompson agency last week started to place its Republican spot business. Contracts call for 192 spots, of which six are five-minute recordings and the remainder one-minute announcements. Starting date is Sept. 30.
Business will likely go to over 150 outlets.

McKnight Gets 'Blondie'

When Scott Moves

Hollywood, Sept. 17.
After 65 weeks of writing and producing 'Blondie' for Camels, Ashmead Scott is pulling stakes Sept. 23 to take over production of another program, now being framed in the east.
'Blondie' passes to Tom McKnight, who last season directed 'Sherlock Holmes'. Program will be written the east by Johnny Green.

Salt Lake City.—Ralph Hardy, formerly continuity head for KSL now sales executive.

One 'Missing Biz' Item, Dept. Stores, Turns Up Four-Fold on WSAI, Cincy

Cincinnati, Sept. 24.
Department stores here have suddenly gone in for radio advertising. Thus far this month WSAI has started programs for four of the biggies in this field. It's a job Dewey Long has been trying to accomplish since two years ago, when he came up from the south to manage the Crosley station.

Mablew & Carew started off Sept. 4 for opening of its remodeled fourth floor. Elizabeth Bemis, staffer, made her way through hundreds of visitors with a traveling mike for interviews.

Rollman's took two half-hour shots night of Sept. 9 to blurb inspection of a \$500,000 improvement to its establishment. Josef Cherniavsky's orchestra and Paul Jones, m.c., provided the entertainment.

Alms & Doeple, conservative store, teed off last week with a series of Tuesday, Thursday and Saturday 9:45 to 10 a.m. programs featuring

Rita Hackett, dramatic bits actress who lately joined the Crosley staff. She is discussing each department of the store in rotation, describing items and giving helpful hints on dress and household furnishings.

Pogue's, class shop, bought Marsha Wheeler, vet local miker, for a Home on the Air stanza, Monday through Saturday, 10:30 to 11 a.m., commencing Sept. 16. After time change the Pogue strip moves up a half hour.

Harold Walker and George Moore worked with Long in lining up this biz.

Nora Sterling's Scripts

Nora Sterling has placed two scripts with the Young & Rubicam agency for its Energine-sponsored 'Midnight in Manhattan' series on NBC. First buy of kind by program. Scripts, for half hour broadcasting, are 'To the Uttermost Farthing' and 'Money to Throw Away.'

WANTED... in "America's Money Belt"

Enough Soap to Scrub the Empire State Building Every Saturday Night

NOTE: More than thirty-nine million dollars worth of soap was sold last year in America's Money Belt. More will be sold this year.

WILL YOU SELL IT?

It's NOT feasible... but it's a lot of soap! And it's a clean profit for you if you're selling it.

But that's not all!

Every neck someone's soap scrubs is attached to a potential buyer of hundreds of other articles... and if you like numbers, there are 6,573,277 of those necks in "America's Money Belt."

There's just one way to properly reach these folks in the "Money Belt" and tell them about your products. Use the Cowles Stations—the "four-way voice of the Money Belt."

* There are now 20,630 soap outlets in "America's Money Belt" and business conditions are better than ever.

WHICH OF THESE DO YOU SELL?

Annual Retail Sales "America's Money Belt"

All Soaps	\$ 39,197,765.40
Canned Fish	10,188,579.30
All Cereals	21,396,016.64
Canned Milk	27,370,565.09
Bread	185,643,789.87
Flour	64,455,291.52
Shortenings	31,209,919.20
(Vegetable and solid oils—lard not included)	
All Perfumes, Cosmetics	17,215,412.46
All Canned Fruit and Vegetables	47,731,971.20
Tobacco	85,649,799.31

The Cowles Stations

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

CEAR RAPIDS * DES MOINES * DES MOINES * VANOKTON, SIOUX CITY

Associated with THE REGISTER AND TRIBUNE, Des Moines, Iowa

Represented Nationally by THE KATZ AGENCY

Radio's Easiest Quiz

(Even A Radio Man Can Answer It)

1

WHAT NATIONAL NETWORK IS FAST BECOMING TALKED ABOUT IN THE TRADE AS A LABORATORY WHERE PROSPECTIVE RADIO ADVERTISERS GET THE BENEFITS OF PRE-TESTED PROGRAM IDEAS; THE PROGRESSIVE RADIO NETWORK WHICH IS BUILDING THE KIND OF SHOWS THAT BUILD READY-MADE AUDIENCES FOR ADVERTISERS?

2

WHAT COAST-TO-COAST RADIO NETWORK HAS QUIETLY BECOME THE NATION'S LEADING PUBLIC SERVICE NETWORK?

(With outstanding institutional programs devoted to music, drama, opera, art, poetry, discussion, education, religion and news—such as Arturo Toscanini, Metropolitan Opera, Music Appreciation Hour, Radio Forum, Great Plays, Farm & Home Hour, Town Hall, National Vespers, world-wide news bulletins and many others.)

3

WHAT NATIONAL RADIO NETWORK HAS DEVELOPED THE TESTED, "PACKAGED" TYPE OF PROGRAM, COMPLETE IN EVERY DETAIL, READY FOR AN ADVERTISER TO STEP IN AND TAKE OVER A KNOWN SHOW COMMANDING AN ESTABLISHED AUDIENCE THE FIRST TIME HE GOES ON THE AIR?

(Such popular, "packaged" programs now ripe and ready for alert advertisers are Song of Your Life, Behind the Mike, Lower Basin Street Chamber Music, The Bishop and the Gargoyle, Renfrew of the Mounted, The Wife Saver, The Revuers, Linda Dale, Melody in the Night, Bud Barton.)

4

WHAT COAST-TO-COAST NETWORK IS STILL THE MOST ECONOMICAL "BUY" IN RADIO FOR THE BUDGET-CONSCIOUS ADVERTISER WHO WISHES HE COULD GO COAST-TO-COAST IN A BIG WAY AT LOW COST?

FOR FURTHER DETAILS, CONSULT THE RADIO SECTION OF VARIETY NEXT WEEK, OR CALL CIRCLE 7-8300 (EXTENSIONS 795 OR 608) NOW!

For—And Against—ASCAP

Continued from page 30

John G. Paine ---

We had in our Accounting Department. The only advantage Mr. Miller took of this invitation was to spend two hours one afternoon with Mr. Hoffman. Mr. Miller concluded, and rightly so, that the cost to the radio industry of just the administration of such a formula made such a formula uneconomic, and he so stated to both me and Mr. Hoffman. Later we met again with the committee of the N.A.B., and they had dropped all pretense then of seeking to work out a formula of agreement, but proposed in lieu thereof that ASCAP tell them how much money it wanted, and they would undertake to allocate that amount among the various radio stations of the United States.

We told the N.A.B. committee that in some 28 States of the Union anti-ASCAP bills had been introduced, and in every instance State Legislatures had been informed that ASCAP had conspired with the radio chains to sell the radio stations down the line, and that we had actually entered into contracts whereby the radio stations had to pay the music costs and the chains paid nothing. We told them that we didn't want a repetition of this anti-ASCAP legislation; that we felt it was useless and purposeless, and that if we should accede to the desires of the committee and turn over to that committee the complete music control of the radio broadcasting industry (which is of course the thing they wanted) the difficulties we had experienced in the past would be as a summer breeze compared to the whirlwind of discontent that we would generate by that kind of a deal.

Now since that group could not get control of the radio industry through contract with ASCAP, they have decided to drop ASCAP and build up the control through the establishment of their own music organization, BMI, because they are determined to have that control.

We told the committee then that we would ourselves undertake the establishment of a formula which after our study would appeal to us as being equitable and fair, and that when that formula was completed, we would lay it again before them for consideration. In the meantime, you will recall, a great number of things happened.

BMI was organized, exciting trips were taken all over the country by Neville Miller and Sydney M. Kaye, and we ourselves were busy visiting the great majority of the radio stations and discussing our problem directly with them. Our committee worked diligently week after week, and eventually worked out a formula. We tried to do this early in the year, as we felt that the formula should be before the industry for a long period of time and that it would have been unfair for us to wait until the last minute before we made an announcement of our ideas.

You will recall that we prepared only a formula—not a contract—and in March of this year we invited the members of the N.A.B. committee, together with other important radio people who were not on the N.A.B. committee, to hear and discuss the formula that we had prepared.

When the formula was read, and mimeographed copies of it given to those present, we stated that if there were no objection, we would like to send our formula to all the radio stations of the country for their study and consideration. No one objected. As a matter of fact, only a few made any comments. Mr. Klauber of the N.A.B. committee merely got up and walked out.

If the formula were wrong, the time to say so was the time of the meeting. ASCAP then waited for two months, and not hearing anything from the radio industry directly—only through the trade press, proceeded in the preparation of its contract in conformance with the formula. Still not hearing from the radio industry's officials, ASCAP asked for the privilege of discussing the ASCAP contract at the N.A.B. Convention in San Francisco. This privilege was denied to the society. That is the history on which Miller and Kaye say that ASCAP won't negotiate the new contract. ASCAP's doors are open, and have always been open, to any station owner or anybody in authority, to negotiate anything that needs negotiation.

The looseness of Mr. Miller's

statements is illustrated by the fact that in his recent VARIETY article he stated that the income of the radio industry for 1939 was \$112,000,000, whereas in fact the gross business of the radio industry was \$171,000,000 and the net income from sale of time on the air was in excess of \$129,000,000. From the way Mr. Miller persists in talking about ASCAP, you would get an idea that the \$59,000,000 difference, or if he were using net figures, the \$17,000,000 difference, is important to the radio industry, and is not something that should be thus lightly overlooked.

Personally, it is very distasteful to me to enter into controversies of this kind, principally because they are wholly unnecessary and wholly uncalled for—they seem childish, puerile, immature, and not the normal ordinary way that business men deal with differences. The fact that they are indulged in by the current leaders of the radio industry only further proves that the controversy is not a business controversy, as was said at the beginning of the article. The controversy is merely the camouflage of a predetermined boycott.

The surprising thing is that the older, recognized leaders of the industry have not before this asserted their leadership, but have been willing to allow the trends and even the policies to be dictated by persons who have little or no investment at stake and who will not suffer the brunt of their own failure to be affected by the legal situation, should they prove to be wrong.

I can see no need for answering item by item all of the factually incorrect statements that Mr. Miller has made in his recent article in VARIETY, because the leaders of the industry know the facts as well as we do, and to give them the correct facts would not be an education to them. Their disregard for the truth shows their lack of interest in the country who seem to be following the leadership of the chains and of these same individuals who are now dictating the policies of the chains are being led up a blind alley and have reached conclusions in most instances directly and diametrically opposed to their own personal best interests.

Such a condition is economically, as well as legally, unsound, and therefore it won't last. This we know, and because we know it we have no disturbance over the eventual outcome of the entire matter.

OPTIONS 9:30 FRIDAYS

Campbell's May Have Another Program on Columbia

Ward Wheelock has taken an option for Campbell's soup on the 9:30-10 p.m. spot Friday nights over CBS, which 'Grand Central Station' (Listerine) gives up after four more broadcasts. Agency and sponsor are looking for a prestige show to fill the time, but have nothing definite in mind at the moment.

Lambert & Feasley, agency for Listerine, is retaining rights to 'Grand Central Station' and is offering it to other agencies at a reported price of \$3,500 for the package.

RICHARD BLAKE AT WKRC

Cincinnati, Sept. 24. Richard Blake took over Monday (23) as program director of WKRC, Times-Star affiliate and Mutual outlet. He relieves Ruth Lyons, who continues as music director and takes on added chores for femme programs. Blake, former Times-Star reporter, was scripting for M-G-M in Hollywood during the past couple of years.

His twin brother, Groverman, is amusement editor of the Times-Star.

Neville Miller ---

that this percentage is figured not only on the programs which use ASCAP music, but also on programs which use non-ASCAP music and on programs which use no music at all. It is an ironic aspect, from the broadcasters' viewpoint, that at the present time 77% of commercial program time is not occupied by music, for ASCAP collects just as much on a news program which uses no music as on a popular dance program which at the present time uses a great deal of ASCAP music.

Mr. Paine points out that the radio chains have announced that ASCAP music 'will be barred from the air.' This music is being barred from the air, not by broadcasters, but by ASCAP. ASCAP itself, because of the unfair basis upon which it licenses its music, because of the exorbitant and destructive amounts which it demands, and because of the unfair basis on which it operates, is forcing the broadcasting industry to discontinue the performance of music which it would like to play, but which it cannot play because it cannot get a license on a fair reasonable basis. Broadcasters, in discontinuing the performance of the music of the society, are acting in self-defense against economic destruction.

Mr. Paine announces his sympathy for the public which is being deprived of the music made by ASCAP's own action. Certainly broadcasters would like to make all music available to their listeners. It is of interest, however, to note that in 1935, when all Warner Bros. music, which embraced some 40% of ASCAP's playable catalog, and including the works of Gershwin, Kern, Rodgers and Hart, Cole Porter, Friml, Romberg and many others of the leading ASCAP members was withdrawn from the air for six months, there was no indication that the listening public felt any sense of deprivation. This happened when broadcasters had no organized reserve supply of music. Now that reserve supply exists. In addition, the trend in the four years since 1935 has been to reduce, rather than increase, the emphasis in programs upon the performance of popular music. ASCAP music is not indispensable. No one wants to drop ASCAP music, but since ASCAP has made this necessary, the elimination can be effected without substantial loss to the public or to broadcasters or to anyone but the ASCAP members whose affairs are in the hands of ASCAP's self-perpetuating Board.

Now

5000

Watts Day & Night

WGAE

PITTSBURGH

At No Extra Cost

NBC-RED
MUTUAL

International Radio Sales

20 E. 57th St. New York City
Chicago—San Francisco

TED STRAETER CHOIR

5th SEASON

KATE SMITH HOUR

TED STRAETER

HIS PIANO AND ORCHESTRA

OPENING 3rd Season FeFo's MONTE CARLO

OCTOBER 1st

What does "Star-Dust" remind *you* of?

Does this melody remind you of that soft Spring night at the Senior Prom when you confided to the girl your high resolves as you faced a brave new world? When you hear this song now, do you wonder what ever happened to them and to her?

Songs have a way of insinuating themselves into our experiences; of forever cataloguing these events in the back files of our lives. So it goes with nearly every piece of music—and with most folks.

Harry Salter, one of radio's better baton wavers, got to thinking along these lines recently. He felt that music alone was not enough. He wanted a musical program that makes an intimate, personal approach to the lives of listeners. What he finally came through with promises to be one knockout of a new radio program idea!

He calls it "The Song of Your Life," and you can hear it Wednesday nights between 9:00 and 9:30 N. Y. Time, over NBC's Blue Network. If you miss it to-night, we can let you hear a recording at your own convenience.

VARIETY SAYS

To our way of thinking, this sparkling program combines practically all the sure-fire elements of successful radio showmanship and listener appeal. *Variety*, our forthright, cogent contemporary confirmed this when it so aptly pointed out to the trade that the show has all the "makings of a whopper of a commercial program." We think some alert advertiser is going to see it that way, too—but quick!

Harry Salter, who figured out the show, also directs the splendid music which so gracefully bridges the program's colorful action, fusing the whole into a smooth, fast-paced half-hour of the most varied kind of radio entertainment. Clark Dennis and Gwen Williams, as NBC soloists, interpret the guest-listeners' favorite songs. Ed Ettinger and Bill Davison polish off the show with their writing.

There's an attractive audience-participation angle which gives the nation's ear-cuppers that life-time

chance to get before a mike and relate an event associated with some favorite song. Here's where Ernest Chapell as host and capable emcee handles the interviews with deft questioning and a fine ease, putting all and sundry guests comfortably through their paces before the mike.

REAL EXPERIENCE OF REAL PEOPLE!

Along with the regular half-dozen program guests each week, some celebrity from the stage or movies, sports or professions, is a featured visitor. In any single show, program material rich in amusing wit, moving pathos or vital human interest is sure to develop. Many of the song incidents are made even more realistic through vivid dramatizing. The big point is that these stories are the real experiences of real people—in person!

In "The Song of Your Life," Harry Salter has contrived a lively, compelling radio vehicle which, by the very simplicity of its basic human appeal, packs a terrific sales wallop for the advertiser who uses it adroitly.

That's why "The Song of Your Life" was picked for intensive audience build-up in the Blue Network's new development plan for sales-worthy program ideas.

TUNE IT IN!

You've got to hear the show for yourself! This ad can, at best, only remind you to do so. It can't possibly give you the "feel" nor the "pull" behind "The Song of Your Life." Don't forget, tune it in tonight—9:00 P.M.—N. Y. Time—on the Blue!

NBC BLUE NETWORK

Sales thru the air with the greatest of ease

Mutual Network Affiliates Rally In Chicago For Outlook Talks

Chicago, Sept. 24. Biggest Mutual network meeting brought together some 75 key men of the System for a general powwow here last week, and all manner of Mutual problems, deals and angles were under discussion. Of particular moment was the general get-behind-the-wheel-and-push meeting which was addressed by Al McCosker, W. E. Macfarlane, Fred Weber, Lewis Weiss, Bob Schmid and Ed Wood.

Of the some 50 affiliates in on the meeting, some dozen of 'em rose to give a personal hurrah for the network and to promise full cooperation in the future. Keynotes on this tune were Steve Cisler of WGRC, Louisville; Les Johnson, WHBF, Rock Island, and topping 'em all, Luther Hill of the Iowa Network who expounded on the merits of the Mutual System and what it meant to the Iowa territory radio.

Ed Wood, Mutual sales manager, tossed out a series of nifty numerals to point up the business progress of Mutual in the past season and indicated that in the next six months the Mutual web will gross more coin than it garnered in the past full year. Which means a gross take of some \$2,700,000 in the six months from Oct. 1.

Also under discussion was the political broadcasting situation, with the MBS key men explaining the open position of Mutual in the election campaign broadcasts.

Sensation's Coast Quizzer

Hollywood, Sept. 24. Sensation ciggies, through Lennen & Mitchell, launches a quizzer on the Don Lee network beginning Oct. 1. Quarter hour programs air twice a week.

Sam Pierce, who hatched the idea, joins Bill Robson's L & M staff to produce.

Marie Green On 'Parade'

Hollywood, Sept. 24. Marie Green, chanteuse, has been signed for Lucky Strike's 'Hit Parade' to replace Bea Wain. She was recently on the Al Pearce show at the head of a group known as Marie Green and Her Merry Men. Agency signed her on the recommendation of Ed Cashman, producer of the Kay Kyser show.

NBC Goes to CBS In Minneapolis for Talent

Minneapolis, Sept. 24. For the second time within a month, NBC has called on the Twin Cities CBS broadcasting system for talent. This time WCCO's Harmonica Twins, Tom and Ed Plehal, were contracted to appear on the Uncle Ezra show from Chicago Sept. 14. Previously Harold C. Deutsch, heard regularly three times a week over WCCO, 'Backgrounding the World News,' was drafted by NBC for a one-time appearance on the University of Chicago Roundtable program.

Diespecker Joins Army

Vancouver, B. C., Sept. 24. Explaining to his radio audience that he 'wanted to do something more about the war than talk about it,' news commentator Dick Diespecker quit his post to join the army as a second lieutenant.

Broadcaster got off neatly by saying he was changing his call letters from CJOR, his station, to 'CASF' (Canadian Army Service Corps).

Canton, O.—Leonard Taylor, formerly of WJW, Akron, and recently at WKST, New Castle, has joined the staff of WHBC, Canton.

REVITALIZE DORMANT BROADCASTERS GROUP

Macon, Ga., Sept. 24. James Woodruff, Jr., of WRBL, Columbus, was elected president of the Georgia Ass'n of Broadcasters at reorganization meeting held here. Outfit was first formed in 1935, but lay dormant for quite some time.

Following recommendation of J. Leonard Reinsch, of WSB, Atlanta, association planned a sales institute as part of its next meeting, which will be held here, date to be announced later. This institute will afford salesmen of various stations chance to receive training by experts in radio sales field. Reinsch, former prez of Ohio Ass'n of Broadcasters, told session here how institute was worked in state he came from. Reinsch, in his talk, also told group how it could do much toward bettering relations between press and radio.

Other officers elected by association are Ray Ringston, WRDW, Augusta, vice-pres.; Margie Willis, WTOG, Savannah, sec'y-treas. Three directors, E. K. Cargill, WMAZ, Macon; Jack Williams, WAYX, Waycross, and Reinsch also were chosen. Of 21 stations in Georgia 19 had reps at meeting.

VIRGINIA TRIANGLE

Moore to Roanoke, Other Staff Shifts and Additions.

Lynchburg, Va., Sept. 24. Various personnel changes result from start of Tri-Cities Network hooking up WLVA here; WBTM, Danville, and WSLs at Roanoke. Al Heiser, formerly 'WLVA's' engineer, becomes supervising engineer of all three outfits, with headquarters in Lynchburg. Philip Allen, v.p. of WLVA, is general business manager of all three.

Frank Koehler, with WRDT, Richmond, when it shut down, goes to WSLs as commercial manager. Bill Loren, Ken Allen and Earl Hotaling go on WLVA for general announcing.

James H. (Jimmy) Moore, general manager of WLVA, shunted to WSLs in same capacity. Chain takes air Oct. 1.

CHANGES AT WIOD

Wales to WKAT—Alex Robb As Program Director

Miami, Sept. 24. Shakeup among WIOD departmental heads, has Martin Wales out as station manager, Dan J. Mahoney, general manager of Miami Daily News taking over duties. Arch Robb, former production manager of WHIO, Dayton, comes in to fill newly created program director slot. Both stations are owned by Cox's interests.

Wales has joined sales department of WKAT, Miami Beach.

WSB Woos the Press

Atlanta, Sept. 24.

Designed to link press and radio closer together, WSB is sponsoring new program series titled 'The Editor Speaks,' upon which newsmen from all over Georgia will be invited to give their opinions on vital matters affecting people of state and nation. Editors will be given full leeway in their topics for discussion, with no punches pulled.

Introduction to program states: 'By the welding of the two great agencies of communication, press and radio, we share in some small measure the task to which America is bending every sinew—the preservation of democracy.'

Program is to be aired every Saturday at 1 p.m., starting Oct. 5.

Marcus Bartlett's Fall Chores

Atlanta, Sept. 24.

WSB will carry Georgia Tech's football games this year under sponsorship of Atlantic Refining Co. Marcus Bartlett, production manager for station, will do splicing.

Bartlett, station's former musical director, has been mill's gridcaster for years. He has been in N. Y. brushing up on a few pigskin principles and last week (19-20) attended Atlantic's Football Reporters meeting, prepping further for season which opens Saturday (28) when Tech's Yellowjackets kick off season against Howard College (Birmingham) at Grant Field in Atlanta.

200 APPLY FOR STATIONS

Washington, Sept. 24.

Sponsors of over 200 pending applications will have to get set for possible new controversies as a result of steps to reallocate facilities in conformity with the Havana Treaty. There were 273 requests for the hook last week, but 59 were for frequencies not affected by the reshuffling—between 550 and 720 kc.

Most of the pleas are from existing license-holders, desiring better facilities. There are only 58 applications for new transmitters in the unfinished business, and of these 15 are for the untouched channels. But some of the applicants may not like the company they'd be thrown with under the shifts, so a flood of revised applications is anticipated.

WXYZ ADDS NEWSCASTERS

Swing, Heatter, Williams Not Acceptable on CKLW

Detroit, Sept. 24.

With the addition of one and a half hours weekly of Mutual's newscasters, WXYZ here is carrying an exceptionally heavy schedule. The newest additions to the station's news coverage are Raymond Gram Swing, Gabriel Heatter and Wythe Williams, which normally would come through the Mutual outlet here, CKLW, across the Detroit river, in Windsor, Ont. However, the Canadian station could not handle the three newscasters because of rigid censorship in the Dominion and the air being given at CKLW to numerous broadcasts from BBC.

Nearly all of WXYZ's newscasts are commercially sponsored, even the five minutes of early morning news by John Nesbitt being taken over by Gordon Bakery here. The Detroit's stations news coverage now comes from three sources—local commentators, NBC and Mutual. Out of the station's daily 18 hours on the air, at least one hour of the day is spent with the news.

YOWSAH—THE OLE MAESTRO!



BEN BERNIE

AND ALL THE LADS AND LASSIES

Back on the air on our lucky Tuesday nites for dear ole NBC Blue, beginning October 1st, 8 P.M., EST, and for our new sponsor

BROMO-SELTZER

Long may it grow and long may it sell—

Aided and abetted by those two swell gals, THE BAILEY SISTERS and the newest and most glamorous singing star—CAROL BRUCE

Personal Management
HERMAN BERNIE
RKO Bldg., New York

Management
MUSIC CORP. OF AMERICA

FCC SIMPLIFYING NEW STATION APPLICATIONS

Washington, Sept. 24.

Limitation on the amount of historical data required to support license requests for both standard and FM transmitters was agreed upon at two meetings last week between industry representatives and the F.C.C. Administrative Board. Hurdles will result in simplification of the fully long forms 301 and 319 adopted a few months ago, to which many objections have been filed.

Groups representing N.A.B., independents and FM operators received promises that phraseology will be revised, so there will not be so much misunderstanding and confusion about what sort of data is required. Several language changes were worked out, after spokesmen for station operators pointed to the difficulty in figuring just what was meant by involved and poorly posed inquiries.

Requests for deletion of certain questions were turned down, though the F.C.C. negotiators were described as open-minded. While the Commission engineers, attorneys, and accountants were reluctant to drop any of the forms, they showed a disposition to limit the questions so that lots of ancient history will not have to be included and genealogical research will be kept to a minimum. Further confabs are planned, with subcommittees from both sides trying to bring about acceptable compromises, reducing volume of statistics now called for.

4-Yr.-Old Milw. Sustainer Finally Gets a Sponsor

Milwaukee, Sept. 24.

'Last Word in Sports,' a 15-minute 10:30 nightly sustainer on WTMJ for the last four years, with Charles Nevada conducting, has at last gone commercial under the sponsorship of the weekly of Richman Bros., national clothing store chain, the deal arranged by the Cleveland office of McCann-Erickson, Inc.

Another clothing concern, the Lawton Stores, has also gone for a WTMJ sports program—'Hot Off the Gridiron'—with a quiz and cash giveaway angle, for a 15-minute period each Sunday immediately preceding the Green Bay Packers pro-football game.

Hodges Goes For Tourists

Cincinnati, Sept. 24.

Paul Hodges, milkman on WCPO for the past two years, is joining the Crosley staff to start a Travel Time series Oct. 1 on WLW. He will do a 15-minute interview program at 6 p.m. on weekdays from airports, railway and bus terminals in Cincinnati and neighboring towns, all by direct wire.

On the Scripps-Howard station, Hodges conducted programs from the Union Terminal and Greyhound bus depot.

IN BALTIMORE IT'S WFBR

**NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.**

ON THE NBC RED NETWORK

AN ANNOUNCER'S LIFE

KDYL Men Go Into Cage with Non-Domestic Cats

Salt Lake City, Sept. 24.

Emerson Smith, program director, and Tom Cafferty, announcer for KDYL, got through the most blood-congealing interview they have had on the KDYL 'Enquiring Reporter' program. Interviewing Captain Lucky Bill Foix inside the animal cage was entertaining enough for the visitors at the State Fair here, but when Foix let in seven lions, a leopard and a puma, Smith and Cafferty thought that a full house was more than they would have wished for.

When the cats contented themselves with growling, lashing their tails and dashing around, the boys became bold enough to invite the public in to be interviewed. There were no takers.

Next day Cafferty was sufficiently recovered to do a solo broadcast from the back of Bunny, five-and-a-half-ton elephant.

WCAU, PHILLY, SETS UP GRATIS CASTING BUREAU

Philadelphia, Sept. 24.

A central casting office has been established by WCAU to make radio talent available to radio stations and advertising agencies.

The bureau will be under the direction of Stan Lee Broza, program director of WCAU, and will without charge for either the performers or the agency needing them. Before anyone is registered they will receive auditions and typed according to their ability, Broza said.

Broza said the casting service idea started when WCAU attempted to line up a cast for three patriotic programs which required a total of about 50 voices. The total number of radio actors on file at the station weren't enough to fill the bill.

Bring in Mexico City Man To XEAD, Guadalajara

Guadalajara, Mex., Sept. 24.

Jorge Heredia Aceves from Mexico City is here in the capacity of 'organizador' of the new 500-watt station XEAD, latest to be licensed by the Federal authorities for the state of Jalisco. It is the fifth station in this city of 140,000 population. Aceves was trained in advertising procedure in the capital. (A sister-in-law sings on WWL, New Orleans).

Epifanio Arzate and Alejandro Diaz are general manager and assistant g.m., respectively, of the station, and the staff includes Carlos Cardona, Francisco Quirino, Arnulfo Gonzalez, Felipe Bauche.

Under a special commercial arrangement with the Orange Kist soft drink XEAD calls itself 'The Kist Station.'

Jim Cox at WATL

Atlanta, Sept. 24.

Titles few like chaff before the wind recently around WATL. Mutual mouthpiece here, when James E. Cox, ex-publicity man for WKY, Oklahoma City, moved in as assistant to Manager Maurice C. Coleman. Here's what came out of bag after Cox got through giving it a thorough shaking:

Ken Keese, program director; Barney Oakes, special events chief; Julian Flint, chief announcer; Jacqueline Jones, continuity editor. Keese, in addition to program chores, is pianist and leader of this 250-watt's four-piece house combo.

New faces on WATL commercial staff are Rolfe Edmondson, former reporter on Atlanta Journal, and Crenshaw Bonner, ex-football star at Georgia U., both new to radio. Earnest Ford, formerly of WOPI, Bristol, Va.-Tenn., is latest addition on announcing side.

TSN LINES UP BIG EDUC'L SKED

Fort Worth, Sept. 24.

A banner 1940-41 season of educational features over stations of the Texas State Network is rapidly taking shape, according to Forrest W. Clough, educational director for the web. Programs will originate from Texas' leading colleges and universities, besides many planned by civic organizations.

Programs will originate from the North Texas State Teachers College starting Oct. 4, others from the Radio House, University of Texas; Baylor University, Texas State College for Women, Abilene Christian College, Hardin-Simmons University and McMurry College.

Currently on TSN and set to continue this fall are two agricultural programs: presented by the East Texas Chamber of Commerce, weekly cotton program by the Texas Cotton Committee and a weekly 'Health Education' series from the Texas Dept. of Health.

Exclusive of the Mutual Broadcasting System features fed to TSN last season, TSN weekly scheduled 46 public service programs.

WKRC, CINCY, INCREASES NEWS TO OFFSET WCPO

Cincinnati, Sept. 24.

WKRC, the Times-Star outlet, has increased its newscasting schedule to meet the competition on that score from WCPO, which is operated by the local Scripps-Howard paper, the Post. WKRC is plugging its new policy as 'news of the hour on the hour.'

Using Associated Press and its newspaper facilities, WKRC is originating its newscasts from the Times-Star news room. Bill Welch, Dwight Mallon and Bob Morgan alternate at the mike, while the rewriting is being done by Mallon and Bob Heidler.

Book-of-the-Month Radio Dramatizations

Series of dramatic shows adapted from Book-of-the-Month Club books, has been readied by Arthur Kurlan, writer-director with the Gulf-Screen Guild program last season and previously with the Texaco and 'New York Town' shows. He is currently in New York, having come from Hollywood about a month ago to line up the productions. Show would air as either two 30-minute stanzas to a book or a single 60-minute program for each book. Kurlan has set a package price of \$3,000 for the shorter version or \$4,000 for the longer.

Books on which the rights have already been obtained and the radio adaptations written include 'Christ in Concrete,' 'The Heart is a Lonely Hunter,' Franz Werfel's forthcoming 'Embezzled Heaven,' Carl Van Doren's 'Benjamin Franklin' (which would require double radio length), and the next Book-of-the-Month Club issue, Margaret Armstrong's 'Trelawney.'

Kurlan will write and direct the series, which will use original music by Lehman Engel. John Beal is set for the 'Christ in Concrete' lead and other actors mentioned for the series include Sam Jaffe, Peggy Conklin, Bramwell Fletcher, Elissa Landi and Mildred Natwick. Book-of-the-Month Club's 300,000 membership is figured a running start for radio treatment of the books. Radio rights must be cleared not only through the Club and publishers, but from the individual authors.

More Yanks in Dixie

West Palm Beach, Sept. 24. WJNO continues to load up its announcing staff with men from northern stations. Steve Willis' latest newcomers mike messengers are Morden Buck, from KMOX, St. Louis, and Ed Pearson, formerly with WPRO, Providence.

Local outlet already has Ben Decker, formerly of WTAM, Cleveland, and Vernon Crawford, ex-WFL, Philadelphia.



CAROL BRUCE

Currently

"LOUISIANA PURCHASE"

IMPERIAL THEATRE, NEW YORK

• • •

BEN BERNIE - - BROMO-SELTZER

Beginning October 1st—NBC Coast-to-Coast

• • •

Sert Room - - Waldorf Astoria

New York — Opening October 9th

• • •

Signed With

UNIVERSAL PICTURES

• • •

DECCA RECORDS

• • •

With A Bow To

MILTON RUBIN

Publicity

DICK KRAKEUR

Shurr Agency

BILL STUHLER and

DON STAUFFER

Lyons Agency

WAYNE-GARDNER

Arrangers

• • •

Personal Manager

MARTIN W. SPECTOR

JACK MILLER

AND HIS ORCHESTRA

THE KATE SMITH HOUR

EVERY Friday at 8 p.m.—CBS

Printing Trades' Circular Renews Attack on Radio Advertising; Publishers Also Mull Problem

Washington, Sept. 24. Renewed drive by the International Printing Trades to hobble radio and keep television in the non-commercial category last week involved mailing to every newspaper, magazine and farm publication owner another of the periodic reminders that broadcasters are grabbing advertising from printed media. Recent speech of John B. Haggerty, president of the Bookbinders and head of the affiliated A.P. of L. printing unions, was scattered wholesale in the hope of pepping up the publishers.

Accompanying the talk given early this month at the Pressmen's Home in Tennessee, a letter signed by Haggerty repeated the previous complaints and dragged in the national defense issue by pointing to the need of maintaining a free press during the present distraction and political campaign. Continuance of free press, Haggerty noted, requires 'sufficient independent income' to pay bills and yield a profit.

'Radio advertising, which in 1929 received but 3 cents of the advertising dollar, in 1939 received directly some 19 cents of the advertising dollar,' leader of the Bookbinders remarked.

'If we charge to radio advertising, as is proper, the millions spent for radio time plus the additional millions spent for authors, artists, music, telephone costs, etc., which expenditures were necessary to make radio advertising possible, we would most likely ascertain that radio advertising in 1939 secured more than 30 cents of the total advertising dollars spent in newspapers, magazines, farm papers, outdoor advertising and radio.'

'Frankenstein' Referring to radio's 'unfair competition,' Haggerty directed attention to his blast at the 'Frankenstein' which the press built up via free publicity. Copy of the talk repeated accusations that broadcasters get a monopoly for nothing and have realized millions from sale of franchises besides raking in large sums annually. In the speech, he quoted from the FCC chain-monopoly committee report, which warned of the danger inherent in concentrated control of broadcasting stations, and spotlighted the statement that CBS, with 'total cash investment' . . . less than \$1,600,000 netted over \$17,000,000 in four years.

The printing crowd indicated it will try to keep shackles of television, urging all locals to keep their eye on the possibility that pictorial short-waved advertising will do the printed media far more harm than the oral variety.

'With men and management realizing what they are confronted with through the widespread activities of the radio in the advertising field, the question prompts itself quite naturally what they will do with the possibility of television, which will take salesmen off the road by sending their pictures into the homes, presenting fashion shows, vacuum cleaning and other demonstrations, cooking lessons, etc,' Haggerty declared. 'So far, the radio with its medicine shows has given only the dialog, but television will give you both the dialog and motion pictures of actors and scenery in colors. This is certainly something to

worry the printing trade industry more than radio, because the air will always be cheaper than newsprint.'

The Skytop Meeting

Stroudsburg, Pa., Sept. 24. National Publishers Association will meet at Skytop, secluded hotel in the Pocono Mountains, this week. Advance intimations are that radio will be the dominant theme of discussion.

The continuing expansion and prosperity of broadcasting has the publishers plenty worried.

BASEBALL'S EXIT DROPS SAN ANTONIO SPOT 38%

San Antonio, Sept. 24. National spot biz took another downward turn as the baseball season ended here at KABC. Network and local units continue to rise with network shows coming back on. Football broadcasts helping, too.

KABC: For the first time in local radio history, all local high school football games have been sold in one block of exclusive broadcast rights to the Certified Druggists group; co-operative daily show to Harlandale Merchants; Stadium Statement quarter-hour pre-game quiz to Schodis Motors; Dick Dunkell Football Forecasts, quarter-hour daily for Drewery's Beer (Gugenheim-Goldsmith); through Bernard Brooks Agency; Plaza Beauty Shop, quarter-hour studio program, direct; three-game series of Detroit-Cincinnati American League games sold to Porter Loring, Fomby Clothing Co. and Zale Jewelry Co.

WQAF: Travis Park Methodist Church, 100 announcements, direct; Ormsby Chevrolet Co., three announcements per week, direct; Skinner Manufacturing Co., Raisin Bran and Macaroni, six announcements per week for 52 weeks through Ferry-Hanly Co.; San Antonio Public Service Co., half-hour studio program for 52 weeks; plus political speeches.

KMAC: One-minute transcriptions for Baum Plumbing Co.

Sept. 21 Compared to Sept. 14			
Network	Local	National	Total
Units	Units	Spot Units	Units
5,370	8,333	1,097	14,800
4,632	7,521	1,768	13,921
+16%	+10.7%	-38%	+6.3%

Included: KABC, KMAC, KONO, KTSX, WQAF.

Quaker Web's 2nd Acct.

Philadelphia, Sept. 24. The Quaker Network, headed by Roger W. Clipp, WFIL's general manager, gets its second commercial net week when Mutual's 'Show of the Week' series fed to WFIL gets re-pumped to WSN, Quaker Network outlet in Allentown, Pa. A couple of weeks ago the Quaker hookup got its first bankrolled program, 'Golden Bars of Melody,' sponsored by Fels Naptha Soap.

Arthur Kelly, WHAM, Rochester, N. Y., p. a. is teaching theoretical radio mechanics for adult students at Edison Tech night school.

WCCO's Big Fall

Minneapolis, Sept. 24. WCCO, local CBS station, reports biggest fall and winter business in its history. All time after 7 a.m. and up to 10:30 p.m. is already sold, excepting a few Saturday and Sunday spots.

Among local accounts just closed are those of the Keystone Wire Co. which will use Twin City talent for its old-time variety programs titled 'After Sundown on the Farm,' and the P. B. Juster men's store, which latter comes in for 15 minutes every Sunday night with a style talk and musical numbers.

Salt Lake Tumbles As Baseball Ends, But Biz Is Great

Salt Lake City, Sept. 24. Although national spot units tumbled this week, that's due more to the end of the baseball season than anything else. The picture here is really in the rosy class. Walter Wagstaff, KDYL commercial manager, has recently returned from a flying trip of the spot centers and reports the largest volume of spot biz in the station's history. KSL meantime continues to break all records for fall business.

KDYL: Beechnut, through Newell Emmett, 11 chainbreaks per week; Geppard Studios, five-minute programs through The Coolidge Advertising Agency; Southern Pacific, through Lord & Thomas, spot announcements; Ford Motor, through McCann-Erickson, spot announcements; Furbill of New York, 52 quarter-hour news programs; Stokol, Inc., 31 100-word announcements; Utah Power and Light Company, 26 quarter-hour programs; Utah Finance Co., 26 quarter-hour programs; Mountain States Telephone and Telegraph Co., 26 announcements; Utah Extension Program of Optometry, 13 quarter-hour programs; Utah State Fair, 16 50-word announcements and one quarter-hour program; Eureka Vacuum Cleaner Co., 26 five-minute programs; Salt Lake County Chevrolet Dealers Association, 24 50-word announcements; Stokermatic Co., 52 100-word announcements; Western Supply Co., 100 50-word announcements.

KSL: Southern Pacific, through Lord & Thomas, series of 100-word announcements; Ford Motor Co., through McCann-Erickson, series of 50 and 100-word spot announcements; Hind's Honey & Almond Cream, through William Esty Co., series of one-minute morning, afternoon and evening spot announcements, 10 spots per week for seven weeks; Red and White Chain Stores, series of 26 times, 50-word announcements; Strevel Patterson Hardware, renewal of spot announcement series; Prudential Federal Savings, series of 15-minute evening news programs; Silver Dollar Day, series of 50-word announcements, placed direct.

KUTA: Utah State Fair, through Pickering Advertising Agency, 26 spots; Keith O'Brien, Dept. Store, placed direct, 26 announcements; Faultless Starch, placed direct, 730 transcribed spots; Utah Silver Dollar Day, 26 announcements.

Sept. 21 Compared to Sept. 14			
Network	Local	National	Total
Units	Units	Spot Units	Units
6,446	2,221	570	9,237
6,361	2,031	852	9,244
+1.3%	+9.3%	-33%	-0.7%

Included: KDYL, KSL, KUPA.

WBZ AND HUB GLOBE IN CO-OP AD TIEUP

Boston, Sept. 24. WBZ and Boston Globe have recently announced a co-operative tie-up which includes exchange of spot announcements and plugs for advertising lineages.

Arrangements were made by Vincent Callahan, station general manager, and William O. Taylor, publisher of the paper. Over WBZ the Globe will promote various features of the paper, while the station will use 100-line ad daily, all editions, including Sunday. WBZ now presents John Barry, Globe news analyst and commentator, thrice weekly.

Jim Lepper is doing the 'Metropolitan Auditions of the Air' series for Sherwin-Williams on NBC. Warwick & Legler is the agency.

N. Y. National Spot Drops in Fall Changeover, But Total Biz Up 1.6%

Fall business has settled to a steady pace in the metropolis. As in most other burgs, national spot units are off here, too. This drop, however, is mainly due to schedule shifts between summer and fall, and to an interim period between summer and fall blurring.

Auto makers continue to give out announcement schedules on their new models, but not much more. Drug and other remedies meantime are getting into high gear with their fall-winter plugs.

WHN: Bulova Watch Company of New York, through The Biow Company, 52 station-break announcements weekly for 52 weeks; Vick Chemical Co., through Morse International, station-break announcements, 26-week contract; Miller's Furniture Market, through Emil Mogul Co., 52-week contract for participation in Art Green's Housewives Prom; Father John's Cough Medicine, through John W. Queen, daily spot announcement campaign, 26 weeks; Ford Motor Co., through McCann-Erickson, station-break announcements for seven days.

WMCA: Harry Blum's Natural Bloom, Inc., through Milton J. Adler Co., 'Today's Sports,' for 13 weeks and three days; Famous Furriers, through Mid-Cover Advertising Agency, 52-week contract, 30 quarter-hour programs weekly; Railway Express Agency, through The Caples Co., 36 announcements; American Fruit Growers, Inc., through Walker & Downing, announcements for 13 weeks; Twin City Shellac Co., through Devine Advertising Agency, 52-week participation contract, on Ida Bailey Allen's 'Homemakers'; Bulova Watch Co., through The Biow Co., Inc., 45 announcements per week for 13 weeks and one day; Vick Chemical Co., through Morse International, 26-week contract, 100-word announcements; Romanoff Co., through R. T. O'Connell Co., 52-week participation on Ida Bailey Allen's 'Homemakers' series.

WNWV: Canadian Fur Trappers Corp., 15-minute periods on 'Ballroom' for four weeks; Gordon Baking Co. (Silvercup Bread), through Barton A. Stebbins Agency, 'Passing Parade' with John Nesbitt, five-minute program, 52 weeks; The Dill Company (Espotals), 21 announcements for 12 weeks; Oakland Chemical Co., through The Kleppner Co., renewed for 52 weeks on 'Ballroom'; Compagnie Parisienne, Inc., through Northwest Radio Advertising, five-minute program for 13 weeks; Brunswick Laundry, through A. Lewis King, 13 announcements weekly for four weeks; Westinghouse Electric Mfg. Co., through Fuller & Smith & Ross, Inc., 10-minute E.T. program for 15 weeks; S. A. Schonbrunn & Co. (Savarin Coffee), through Gussow-Kahn & Co., 'Make Believe Ballroom' for 52 weeks; B. C. Remedy Co., through Charles W. Hoyt, Inc., 'Make Believe Ballroom,' quarter-hour for 52 weeks; Carlin Products, Inc., through Strevel & Finney, Inc., one-minute E.T. announcements daily for 52 weeks; Cats Paw Rubber Co., through S. A. Levyne Co., 13 announcements; Royal Diamond & Watch Co., 'Zeke Manners,' 14 weeks; General Motors Corp., through Campbell-Ewald Co., two weeks, 50-word announcements; Grennan Bakeries, through Campbell-Mithun, Inc., 'Ballroom' for 13 weeks; Nestle-Lemur Co., through R. T. O'Connell Co., 'Ballroom' for 13 weeks; Edwin A. Kirch & Co., through Albert E. Hebert Agency, 13 weeks; Ford Motor Co., through McCann-Erickson, 10 announcements; Tappins, Inc., direct, 14 weeks; Fire and 15-minute programs; Barney's Clothes, through Emil Mogul, Junior Varsity Jambores, 13 weeks; Atlantic Refining Co., through N. W. Ayer; Crown Cola, through B.D. & O., for the

International League Play-off baseball series.

WQXR: 'The Tailored Woman,' 15-minute program weekly with Lina Sergio interviewing, and six morning spot announcements weekly for 13 weeks; P. Lorillard (Old Gold cigarettes), through Lennen & Mitchell, Inc., 56 time signals per week for 13 weeks; Thomas Learning & Co. (Baume Benque), through William Esty, two spot announcements daily, five days per week, for 25 weeks; Columbia Recording Corp., through Bontou & Bowles, Inc., six 2 1/2-minute programs per week for 14 weeks; The Ford Motor Co., through McCann-Erickson, 11 spot announcements; The Hammond Instrument Co. (Solovox), three spot announcements per week for 13 weeks; Romy theatre, through Kayton-Spiro, Inc., 20 spot announcements.

Sept. 21 Compared to Sept. 14			
Network	Local	National	Total
Units	Units	Spot Units	Units
630	11,131	10,115	21,246
630	10,303	10,600	21,533
+8%	-4.6%	-1.6%	

* No change. (Included: WHN, WMCA, WNEW, WOR, WQXR.)

More Minitrub Coming Up

Young & Rubicam is working on an expansion of its spot campaign for Minitrub (Bristol-Myers).

Most of the availabilities requested are already in and the new orders on the account will probably be placed this week.

Hub WBZ's New Shows

Boston, Sept. 17. Two new shows have come to WBZ, one from its sister NBC network outlet, WNAC. Gretchen McMullen, radio dietitian and food commentator, opens a new show on Sept. 24 (9:15-9:30 a.m.) sponsored twice weekly by Reliable food. Formerly on WNAC, the McMullen show was placed through H. L. Moore agency.

Studebaker Champion takes three 15-minute spots weekly with transcribed music by Richard Himber and Rudy Vallee.



LINNEA NELSON
J. WALTER THOMPSON COMPANY

GIVE WALTER SCOTT OVER AT NBC
A CALL THIS PM IF YOU WANT A
'NATURAL' FOR EASTMAN KODAK.

SCOTTIE ALSO HAS A 'HOT ONE'
ON KYW IN PHILLY, WAITING TO
DO A SWELL SPOT JOB FOR SELL,
WILLIAMS OR KELLOGG'S.

OUR BEST REGARDS,

Griff Thompson



DON'T MISS PALMOLIVE'S "HILLTOP HOUSE"

STARRING
BESS JOHNSON
By Adelaide Marston

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

WABC-CBS-10:30-10:45 A.M. E.D.S.T.
78 Stations Coast-to-Coast

Direction BENTON & BOWLES, Inc.
Management ED WOLF, RKO BUILDING, New York

Now!
**5000
WATTS**
DAY and NIGHT

WBNX

YOUR BEST NATIONAL SPOT BUY
A NEW APPROACH TO THE NEW YORK MARKET



In the short interval since the DIRECTORY's appearance,
20% of all radio station subscribers have already
ordered second, third, and fourth copies!

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\$5
•

Order Your Copy Now!

NOW ON SALE

— AT —

NEW YORK **CHICAGO**
154 West 46th St. 54 West Randolph
HOLLYWOOD
1708 North Vine St.

VARIETY RADIO DIRECTORY

154 West 46th Street, New York

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

☐ Check Enclosed

☐ Send Invoice

Name

Address

CityState

Firm

L.A. National Spot Up 1.9% Via Chrysler, Luden's, Vano, Associated

Los Angeles, Sept. 24. It was pretty much of a standstill last week, the pluses just getting over the barrier. Contracts for Associated Oil football game poured in, however, and that means heavy increases through the next two months.

Don Lee's KHJ continued to lead the pack in new contracts, which added up to the biggest week in some time for any site, and augurs for the top season in the station's history. Featured on the books were: American Safety Razor, 104 quarter-hours, through Federal Advertising; Crew of Good Ship Grace, 156 half-hours, through Cochran agency; Gillette Razor, world's series games, through Maxon, Inc.; Hamlin Motors, 12 quarter-hours, through Mayers Co.; Lorillard, 26 quarter-hours, through Lennan & Mitchell; Noxema Chemical, 13 quarter-hours, through Ruthrauff & Ryan; Safeway Stores, 90 quarter-hours, through Lord & Thomas; Chrysler Corp., 30 spots.

KXK: Chrysler Corp., 16 spots, through J. Stirling Getchell; Luden's Cough Drops, 20 time signals, through J. M. Mathes; Catalina Island, 91 quarter-hours, through Neisser-Meyerhoff; Basic Foods, 260 quarter-hours, through Elucador Publications; Langendorf Bakeries, 30 time signals, through Leon Livingstons; Schalk Chemical, 156 participations in Fletcher Wiley combination, through Erwin-Wasey; First Federal Savings & Loan, 13 quarter-hour newscasts, through Mayers Co.; Schwabacher-Frey, 52 spots, through W. Austin Campbell; Associated Oil, one football game, through Lord & Thomas.

KFI: Chemicals, Inc. (Vano), 20 participations in Agnes White's "California Kitchen," through Botsford, Constantine & Gardner; Red-EE Foods, 52 participations in "California Kitchen," through Elwood Robinson; Lyons Van & Storage, 260 participations in Art Baker's "Notebook," through BBD&O; Chelsea Cigarettes, four participations in Bridge Club, through Warwick & Legler; Knudsen Creamery, four participations in "Note Book," through Heintz-Pickering.

KECA: Downtown Business Men's Assn., 52 spots; Ford Motor, 13 spots, through McCann-Erickson; Hoffman Candy, 28 spots, through Mayers Co.

Sept. 21 Compared to Sept. 14				
Network	Local	National	Spot Units	Total
9,818	10,621	1,852	22,391	
9,722	10,414	1,915	22,051	
+1%	+2%	+1.9%	+1.5%	
(Included: KECA, KFI, KPWB, KHJ, KXK)				

FRISCO DOES A 2% BRODIE

San Francisco, Sept. 24.

NBC's local campaign on behalf of the Blue continues to get results, another coast-wide spot being signed this week. Vano, a new cleaner, will bankroll two morning quarter-hours weekly, using philosophical comment by Benny Walker. KGO, Blue outlet, has also snagged Pauson's clothing for a local quarter-hour Wednesday evenings, in shape of transcriptions plus a commentator, Archie Presby.

In line with new biz activities, KFSO is hammering on precedent-setting claims re inauguration of first dawn hours, 5:30 a.m., first 5:45 a.m. newscast, and first use of recording to edit transcribed outdoor events into condensed form for delayed release.

All outlets scrambling to get into a new radio monthly, "Radio Way," to be distributed free by Super Markets with initial circulation of 75,000 copies. Meantime the radio-shunning Oakland Post-Enquirer also will use special radio-electrical supplement this month-end, which has web praisers vying for favorable breaks.

Sept. 21 Compared to Sept. 14				
Network	Local	National	Spot Units	Total
8,945	4,866	1,999	15,810	
8,830	5,007	1,998	15,835	
+0.2%	-6.8%		-2%	
(Included: KPBC, KGO, KJBS, KFO, KFSO)				

Power House Uses 20

Walter H. Johnson Candy Co. is using 20 stations for its campaign during this month. Power House Candy Bars. Schedules cover local programs.

Franklin Bruck is the agency.

BREAD, CLOTHES NEW DETROIT CUSTOMERS

Detroit, Sept. 24. Local business now has emerged fully from the summer slump and is rapidly approaching the figures of last spring. Close to a three percent gain was chalked up, clothing stores and bakeries being major new items and accounting for the bulk of the gains.

While automobile accounts, naturally, figure heavily in the spot announcements, there is plenty of grabbing up of the newscasts. Richmond Bros., clothing, took over 11 a.m. newscasts from Monday through Friday over WJR. Gordon Baking Co. took over 13 weeks of John Nesbitt's early morning five minutes over WKXZ.

In the midst of heavy business, WWJ dubbed in a public service, unsponsored broadcast at 8:30 p.m. on Fridays. Figuring public interest is high in election matters, the half-hour program, "The People's Choice," divided in three parts—survey, man-in-the-street and the Detroit News Washington correspondent—will be continued up to the eve of the Nov. 4 election.

Sept. 21 Compared to Sept. 14				
Network	Local	National	Spot Units	Total
7,465	11,081	4,761	23,257	
7,640	10,730	4,705	23,075	
+2.3%	+2.8%	+1.2%	+0.8%	
(Included: CKLW, WJMK, WJR, WMBC, WWJ, WKXZ)				

Humble Oil's 6th Year Behind Southwest Game

San Antonio, Sept. 24. For the sixth consecutive year, Humble Oil will sponsor play-by-play broadcasts of Southwest Conference football games on the Texas Quality network. On the schedule is 13 games to be played on consecutive Saturdays starting on Sept. 28 and concluding on Dec. 7. Account was placed through Franke-Wilkinson-Schwartz, Inc. Kern Tips and Hal Thompson will call the plays.

Broadcasts are to be heard through WOAI here; WBAP, Fort Worth; WFAA, Dallas, and KPRC, Houston.

WMIN Peddles High Schoolers

Minneapolis, Sept. 24. Exclusive privilege to broadcast all the St. Paul high school football games, which are played in one central stadium, has been granted to station WMIN.

A local furniture company will sponsor the broadcasts, and on the opening night there will be talks by the commissioner of education and the director of high school athletic activities.

THREE MONTH TREND OF STATION BUSINESS

(For All Markets Regularly Reported by 'Variety')

NATIONAL SPOT		LOCAL		NETWORK		TOTALS	
Week Ending	Units	Week Ending	Units	Week Ending	Units	Week Ending	Units
July 6	61,217	July 6	89,334	July 6	92,641	July 6	243,222
July 13	62,054	July 13	90,015	July 13	89,929	July 13	241,998
July 20	60,556	July 20	88,582	July 20	85,031	July 20	234,169
July 27	56,646	July 27	87,309	July 27	87,240	July 27	231,195
Aug. 3	56,588	Aug. 3	87,745	Aug. 3	87,756	Aug. 3	232,089
Aug. 10	54,599	Aug. 10	86,147	Aug. 10	87,387	Aug. 10	228,133
Aug. 17	53,957	Aug. 17	86,836	Aug. 17	87,487	Aug. 17	228,880
Aug. 24	53,656	Aug. 24	88,330	Aug. 24	87,711	Aug. 24	229,697
Aug. 31	54,003	Aug. 31	90,930	Aug. 31	87,671	Aug. 31	232,604
Sept. 7	54,214	Sept. 7	90,291	Sept. 7	89,046	Sept. 7	233,551
Sept. 14	54,329	Sept. 14	91,652	Sept. 14	89,306	Sept. 14	235,287
Sept. 21	53,470	Sept. 21	94,287	Sept. 21	90,591	Sept. 21	238,348

2 BALTO DEPT. STORES BUY BLURBS; UNITS OK

Baltimore, Sept. 24. Strong selling on the local front sent that classification up last week. Network units also on the up with new shows breaking.

WBAL: Pennick & Ford (My-T-Fine), 32 hundred-word announcements, through BBD&O; S. & N. Katz, jewelers, 32 spots via Joseph Katz; Raymond Hughes, diamonds, 26 spots; Hecht Bros. department store, 26 spots through the Louis Schecter agency; Kernan Motors, 13 quarter-hour Sunday noon programs of transcriptions entitled "Melody As You Like It"; Howard Cleaners, 301 75-word spots, through the Harry J. Patz Co.; Ford Motor Co., eight 100-word announcements, through McCann-Erickson; Blue Ribbon Books, six five-minute programs, through Northwest Radio Advertising; Lehn & Fink Products, six one-minute announcements, through Wm. Esty; Rockwood & Co., 60 five-minute programs, through Federal Advertising.

WCAO: Chevrolet, 26 spots, through Campbell-Ewald; Wm. Wise & Co., educational books, 10 five-minute spots, through Northwest Radio Advertising; Ford Motors, 10 spots, through McCann-Erickson.

WCBM: Feenamint, half-hour show via Mutual; Old Programs, Revival, via Mutual; Mutual Sunday afternoon airings of Dorothy Thompson sold locally to the Travellers Co.

WFBP: Renewed Fels Neptha Soap on "Neighborhood News and Views," a quarter-hour local community news roundup sold through Young & Rubicam; Hub Department Store signed for participation in daily Studio Party; Sherwood Bros. gasoline, one-minute announcements via Van Stan-Dugdale.

Sept. 21 Compared to Sept. 14				
Network	Local	National	Spot Units	Total
7,420	4,747	2,020	14,187	
7,255	4,667	2,137	14,059	
+2.3%	+1.7%	-5.5%	+1.1%	
(Included: WBAL, WCAO, WCBM, WFBP)				

SEATTLE LOCAL UNITS AGAIN PUSH UPWARD

Seattle, Sept. 24. Local business, which has been pushing ahead steadily for the past several weeks, again edged upward this time. Total units resolutely continued their climb.

KOL: Good Ship Grace, five evening half-hours weekly; "Shafer Parker" and "John Hughes' stanzas, former five quarter-hours and latter six quarter-hours weekly, via Langendorf Bakeries; "Sensational Quiz," two quarter-hours weekly, via Sensation Cigarettes; "Old Sentinel" series, six quarter-hours weekly, for Anderson Buick Co.

Sept. 21 Compared to Sept. 14				
Network	Local	National	Spot Units	Total
4,320	12,792	1,397	18,509	
4,240	12,456	1,430	18,126	
+1.9%	+2.7%	-2.3%	+2.1%	
(Included: KIRO, KOL, KRSC, KXA)				

Capper Publications On WZD Kitchen Barn Dance

Tuscola, Ill., Sept. 24.

Capper Publications is underwriting five quarter hours a week of the WZD Kitchen Barn Dance for its Household Magazine. Presba, Fellers & Presba is the agency.

Same station has just got McLaughlin's Manor House to sponsor a musical clock daily for 39 weeks.

Sidelight on Spot Biz

It's the ad agencies now that are beginning to burn at the situation which allows a national advertiser to buy time at lower rates by dealing direct with local stations. Heretofore this lament has come exclusively from station reps.

Case in point developed last week when an agency for a medicinal account called up a station and bawled him out because one of his stations had accepted some business from the account at a rate lower than that which the agency had quoted on the same station. "We've been working on this account," expostulated the agency man, "for over a year trying to sell it a list of recommended stations and now we find that some of these same stations have accepted contracts with prices far below those we submitted." "It's about time," he continued, "that you were able to control your stations on this sort of dual rating."

The station rep replied that he was sorry that it had happened and the agency had lost out on the commissions but the fault lay with the agency as much as it did with the stations, since the former never let them know just what account it was that the time was being inquired for. Also that the agency itself ought to be able to control its accounts so that they won't be going around its back and comparing price lists.

DENVER SPOT BIZ OK; OTHER TYPES LAGGING

Denver, Sept. 24.

National spot biz came through with a terrific wallop during the past week, elevating the units in that category by over 11%. These gains, however, were offset by a somewhat abrupt drop in local volume, and by some shakiness in network figures. All told it meant a 1% stacking.

Despite the local drop, KLZ provided a light in the gloom by signing the Golden Eagle Dry Goods Co. (department store) to a huge year's contract.

KLZ: Golden Eagle Dry Goods Co., through Wilton W. Mendelson agency, six half-hours weekly, one year; Cinder Concrete Products Co., 52 quarter-hour programs, one-a-week for 52 weeks; Tivoli Brewing Co., through Lane-Freiberger agency, 26 quarter-hours, one-a-week; Household Magazine, through Presba, Fellers & Presba, 12 quarter-hours; Colorado Committee Against Amendment No. 1, through Conner agency, six quarter-hours; Wilkie Club of Colorado, through Max Goldberg agency, 12 spots; Chrysler Corp., through J. Stirling Getchell, 20 announcements; Columbia Recording Corp., through Benton & Bowles, 24 announcements; Aviation Institute of Denver, through Lane-Freiberger agency, two spots; Vick Chemical Co., through Morse International, 130 spots; Rainbow Ballroom, through Robertson agency, 26 spots; Cottrell Clothing Co., through Robertson, two spots.

KOA: Studebaker Corp., through Roche, Williams & Cunynham agency, five half-hours; 20th Century-Fox Film, through Kayton-Spiro, one spot; Gano-Downs Co., 13 quarter-hours; Sam Hayes Touchdown Tips; Lever Bros., through Ruthrauff & Ryan, 52 station breaks; Plough, Inc., through Lake, Spiro, Shurman agency, 300 announcements; Standard Motor Co., through Max Goldberg agency, 12 announcements; United Fuel Co., through Bob Betts agency, 26 spots; Oyster Shell Products Co., through Brown & Thomas agency, 52 announcements; Chevrolet Motors, through Campbell-Ewald, 18 announcements.

KFEL: Rocky Mountain Shoppers Guide, 26 announcements; Lydia Pinkham, through Erwin-Wasey, five announcements weekly for three months; Wilkie Club of Colorado, 35 announcements.

Sept. 21 Compared to Sept. 14				
Network	Local	National	Spot Units	Total
6,744	4,153	1,458	12,355	
6,853	4,330	1,310	12,493	
+1.6%	+4%	+11.3%	-1.1%	
(Included: KFEL, KLZ, KOA, KVOD)				

CHI FLOATING ON EVEN KEEL

Chicago, Sept. 24.

Units in all classifications evidenced a slight gain, but the trend is relatively stable with no spectacular increases along the line. In keeping with the season of year, network volume made the greatest gain.

WBBM: State Street Council, time signal announcements, through McJunkin agency; Rival Packing Co., Chicago, daily temperature reports, through Charles Silver agency, Chicago.

WIND: Vick Chemical, quarter-hour daily news broadcasts, through Morse International; Union Life Insurance Co., 15-minute novelty schedule Monday through Saturday, through Morris & Davidson, N. Y.; Harry's New Yorker, 15 minutes nightly.

WGN: Hirsch Clothing Co., three station break announcements daily, through Schwimmer & Scott; Howard Clothes, on Mutual participating program, "Show of the Week," weekly half-hour, through Redfield Johnston; Isbell Restaurants, one station break announcement daily, through McJunkin; Nelson Bros. Furniture Co., 15 minutes five times weekly, through George Hartman agency.

WLS: Maca Yeast (Northwestern Yeast Co.), three 15-minute periods weekly, through Hays MacFarland.

Sept. 21 Compared to Sept. 14				
Network	Local	National	Spot Units	Total
9,315	5,711	10,811	25,837	
9,219	5,666	10,577	25,453	
+1.1%	+0.8%	+0.3%	+0.7%	
(Included: WBBM, WGN, WGN, WIND, WJZZ, WLS, WMAQ)				

Dept. Stores, Politics Boost Cincy Local %

Cincinnati, Sept. 24. Jumps in all classifications, signed off the summer season with a hefty time sales total. Department store accounts are on the up in the local bracket, which also is getting a goodly share of campaign funds on both parties' state tickets.

Sept. 21 Compared to Sept. 14				
Network	Local	National	Spot Units	Total
4,755	9,673	5,738	20,166	
4,725	9,305	5,479	19,509	
+0.6%	+4%	+4.7%	+3.4%	
(Included: WCPO, WKRC, WLW, KSAI)				

Des Moines Up 2 1/2%

Des Moines, Sept. 24. Upswing here has again been resumed, and the units all around show a gain except in the local category which remains stable. New CBS schedule has already gone through, but NBC Blue and Mutual fall offerings are not due for another two weeks.

Sept. 21 Compared to Sept. 14				
Network	Local	National	Spot Units	Total
6,976	2,870	3,700	13,605	
6,820	2,884	3,656	13,270	
+2.3%	-0.5%	+5.4%	+2.5%	
(Included: KRNT, KSO, WHO)				

Studebaker Discs Due

Studebaker will be back on the spot list this fall. It's again making 15-minute musical transcriptions, with World Broadcasting System the producer.

Account has been about the most consistent of the auto manufacturers in the use of this type of radio merchandising.

ASCAP, BMI MEET MAESTROS

Competitive Tricks of Pluggers Draw NBC Rule on Deadline

NBC has imposed a strict deadline as to the time that a name band leader on remote feed may submit a number for airing on his next program. Not only must the band leader get his added number in by 3 o'clock the same day but he is barred from pulling at the same time a tune which he had previously listed. When prompted the new rule was the discovery that contactmen for music publishers were phoning in such additions. As the result of an investigation conducted by the networks two films had their No. 1 songs barred from NBC for several days last week.

The contactmen involved denied that they had resorted to any ruse but had done the phoning at the request of the band leaders. NBC charged that the contactmen had represented themselves as the managers of the bands concerned, but this the contactmen hauled up on the carpet by NBC's program department also stoutly denied. The band leaders themselves, when questioned by the same NBC executive, stated that they did not recall authorizing the contactmen's actions.

Publishers declare that the practice of phoning in numbers in behalf of leaders' nothing new but that what makes this sort of behavior highly dubious at this time particularly is the relations prevailing between the networks and members of the American Society of Composers, Authors and Publishers. Any untoward incident, they point out, is bound to meet with severe retaliation from the networks.

There have been times that contactmen have phoned in numbers which weren't theirs but were being plugged by some firm in a drive to get to the top of the week's most played list. The intent in this case was to induce the network to block out the performance of the rival's drive song for the next two or three hours of the same evening's schedule. Under such circumstances the rival firm not only lost out on the plugs but had already been spotted by other leaders but didn't get a break on the late phone-in since the leaders mentioned in the latter call knew nothing about it.

U. S. RECORDS SEEKS TO RECOVER MASTER DISCS

The U. S. Record Corp., yesterday (Tues.), applied to the Federal court of Pennsylvania for an order forcing referee William K. Goldstein to hold a preliminary hearing on its plea that certain masters, records, and stamper, belong to it, and not to the Scranton Record Music Co. Order permitting the application to the Pennsylvania court was granted Monday (23) by N. Y. Federal Judge Vincent L. Leibel.

U. S. Record Corp., filed an application for reorganization Sept. 5 in the N. Y. Federal court. The two largest assets consisted of masters, mothers, and stamper, in possession of the Scranton Record Music Co., and pledged against two loans totaling \$26,000 by the Pilgrim Trust Co. The petition states that an argument has arisen between the Scranton outfit and U. S. Record, and that the Scranton firm, which filed a bankruptcy petition on August 31, is seeking to sell the masters, records, stamper, etc., free and clear of any obligation it has to U. S. Record. On Sept. 18 an attempt was made to institute proceedings before referee Goldstein, who denied an application for a preliminary hearing and ordered U. S. Record to file proof of its claim.

This led to the application to Judge Leibel in an attempt to go over Goldstein's head in securing relief.

Sally LaPere, trumpet player, formerly with Ben Pollack and Happy Felton, has withdrawn from Maurice Spivack's outfit at Ohio Villa in Cleveland to join house crew at Casino Theatre, Pittsburgh.

Barbirolli's Cuff

Vancouver, B. C., Sept. 24. John Barbirolli raised \$3,800 for the Red Cross at a symphony concert here at which his wife, Evelyn, served as oblique soloist. Conductor has summered here, loading and writing, and guest-conducted the Vancouver Symphony as his contribution to the war effort.

Members of the orchestra presented him with a silver cigaret box on his departure.

METRO LIKELY TO RENEW WITH ASCAP

Final chapter of the Metro music-BMI negotiations was marked with the return of every sheet of music published through the years by the Robbins, Feist and Miller music firms. These were taken over to Broadcast Music, Inc., at the inception of negotiations, to indicate how extensive were the copyright holdings. Metro wanted some \$4,000,000 for its three firms.

This is about the 'convincer' to the fact that a possible special performing rights deal probably will never be worked out and the Metro-Robbins firms will renew with ASCAP.

VILLA MORET-ROBBINS' SUIT VS. JERRY VOGEL

Villa Moret and Robbins Music Corp. filed suit yesterday (Tues.) in N. Y. federal court against Jerry Vogel Music Corp. claiming infringement, through publication since 1926, of a song called 'Lay My Head Beneath a Rose.' Song was originally written in 1908 by Grant Falkenstein and W. Madison.

The writers in 1926 sold their rights to Moret, and granted him permission to make a new arrangement of it. Moret, in 1939, granted Robbins exclusive rights until 1944. The defendants are accused of having infringed since 1926. An injunction, accounting of profits and damages is sought.

Cleveland Ballroom Buys Radio Time for Buildup

Cleveland, Sept. 24. Trianon Ballroom is buying time from WTAM to build up resident band for the first time when Charlie Spivak becomes house bandmaster Sept. 28 for six weeks, with three or four radio shots per.

For one-night bows during that period at his spot Charlie Horvath is penciling Ted Fio-Rita for Sept. 29, Jack Teagarden Oct. 13, with Russ Morgan and Charlie Barnet on following Sunday nights. November deals for Benny Goodman and Jan Savitt will boost gate to \$1.25, as result of experiment with Tommy Dorsey at that scale week ago Sunday. Despite usually warm weather, \$1,700 pulled 3,000 dancers, taking away \$1,700 as his own share.

Teagarden's Corporation

Albany, N. Y., Sept. 24. Jack Teagarden and His Orchestra, Inc., has been chartered to conduct a business in organizing and managing bands, etc., in New York. Directors, each holding one share, are: Jack Teagarden, Edna Teagarden and Paul C. Wimbles, New York City. Capital stock is 100 shares, no par value.

Andrew D. Weinberger was filing attorney.

HEAR RIVAL VIEWS AT LUNCHEONS

Russ Morgan-Paul Specht Take Initiative to Get Bandleaders Together With Executives of Two Music Camps

'IT'S NO STUNT'

By ABEL GREEN

Russ Morgan and his personal representative, Paul Specht, himself a pioneer maestro, are putting the bandleaders in the middle of the fight between the National Assn. of Broadcasters versus the American Society of Composers, Authors and Publishers. Starting with an open forum letter to Variety a fortnight ago, Morgan has written some 50 bandleaders in and around the New York-New Jersey-Connecticut sector to attend two luncheons, respectively hosted by ASCAP and BMI, this and next week, at which the various music-radio issues will be aired.

Tomorrow (Thursday) ASCAP and its general manager, John G. Paine, will play host at Toots Shor's restaurant, and next Monday (30), at a restaurant to be designated, the Broadcast Music, Inc., bunch (Sidney M. Kaye, George Marlo, Billy Chandler, et al.) will likewise set forth their side of the picture to the maestros.

The prime concern that maestros like Morgan have lies in the fact they have built up valuable music libraries, running into the tens of thousands of dollars, replete with many old and familiar compositions—which, of course, means ASCAP music. The broadcasters' edict that Dec. 31, 1940, may see the termination of ASCAP contracts, and urging at least one 'non-ASCAP' number per broadcast, started this concern; and last week came the request for three non-ASCAPers per broadcast.

(Continued on page 50)

Berlin to Appeal U. S. Tax Decision On Old-Tune Rewrites for Pictures

Jack Carney at GAC

Jack Carney, recently with Music Corp. of America's radio department, has shifted to General Amusement Corporation. At the latter spot he'll sell Class B bands for location jobs.

He was with GAC before going to MCA, but worked in radio sales.

DECCA COOL TO BMI TUNES FOR DISCS

RCA Victor has now started recording BMI tunes but Decca still is of the opinion that the songs don't warrant waxing. Columbia's disks (Okeh, Vocalion and Columbia) of course have been the most prolific recorders, and even go so far as to have the BMI connotation on the label, so that, in the future, when and if a crisis eventuates, the broadcasters will know which is a non-ASCAP number.

Broadcast Music, Inc. seeks to read another meaning into the Decca coolness to BMI tunes by virtue of the fact that Herman Starr, chairman of the ASCAP radio committee, and head of the Warner Bros. music publishing interests, is also a director of Decca Records, Inc.

Jimmy Dorsey has a sequel to 'Madame LaZonga' set to roll. It's by himself and arranger Toots Camarata, and called 'She's the Queen of the Congo, But...'. Dorsey band is remaking its 'John Silver' record of three years ago because its initial arrangement has been improved upon.

Battle between Irving Berlin and the U. S. Internal Revenue department over classification of income from songs written for films will be appealed to the Circuit court in the New York district, O'Brien, Driscoll and Raftery, the tunesmith's attorneys, declared this week. Berlin was kayoted two weeks ago by the U. S. Board of Tax Appeals.

Songwriter, who the Government claims owes \$11,092 on his 1935 return, maintained that songs created for particular pictures or shows can be treated as 'capital assets,' or as 'capital gain,' and against it 'capital losses' can be deducted. Tax board decreed all compensation from such source was 'income' and subject to full tax. Despite Berlin's testimony that he rewrote songs composed years earlier, tunes he had on hand and never used, he still was legally an 'employee.' Numbers were for RKO's 'Top Hat.'

ASCAP'S FRISCO REPLY TO N.A.B.

San Francisco, Sept. 24.

Several hundred G's worth of ASCAP talent was on parade at Treasure Island today as tunesmiths took their story to the public in answer to BMI's campaign which got under way here at the recent NAB convention. Gene Buck himself topped the New York delegation, training in Friday night to do some advance spadework, which included a 100-cover press luncheon at Hotel St. Francis Monday (23). Invitations in shape of 150-word telegrams were dispatched to newspapers over the week-end.

On the train with Buck were Mrs. Buck, W. C. Handy, Peter DeRose, Mae Singletree, Billy Hill, Dave Stamper, Jean Schwartz, Dr. Howard Hanson and mother and Ernie Burnett. Others who have trekked in to conduct, sing, play or otherwise sample the ASCAP catalog for benefit of the local public include Mr. and Mrs. Albert von Tilzer, Mr. and Mrs. Richard Hageman, Albert Hay Malotte, Johnny Mercer, Bert Kalmar, Joe Howard, Irving Berlin, George M. Cohan, Jimmy McHugh, Mr. and Mrs. Harry Ruby, Charles Wakefield Cadman, Deems Taylor, 'Carrie Jacobs' Bond, Harry Armstrong, Edwin McArthur, John Charles Thomas, L. Wolfe Gilbert, Arthur Freed, Judy Garland and party, Ann Ronell, Mr. and Mrs. Harry Warren, Oscar Hammerstein II, Mr. and Mrs. Jerome Kern, Mr. and Mrs. Sigmund Romberg, Mr. and Mrs. Hoagy Carmichael, Walter Donaldson, Ralph Rainger, Jimmy Monaco, Lee S. Roberts, William Grant Still and others.

Two performances are scheduled, one in the afternoon at which various conductors will lead the S. F. Symphony orchestra in their own works and one in the evening, in form of an all-out jam session with all present contributing. If weather holds, both affairs will be out of doors in Federal Plaza.

Teddy Powell Ushers In New Famous Door Regime

Famous Door, New York, reopens tonight (Wednesday) with Teddy Powell's new band, and backed by him. Door has been closed all summer, since being forced to shutter by creditors. It has been refurbished completely for Powell's bow. Dito Powell's band, which has only one of its former men, Band's two singers, Ruth Taylor and Jimmy Blair, are also holdovers.

Floor show will consist of Sid Toniae and Reese Bros. and Al Siegal, and Connie Russell, protégé of his.

Gene Buck Pooh-Poohs BMI

In San Francisco For ASCAP Day at Fair He Sounds Off on 'Mr. Klauber's Baby'

By WILLIS WERNER

San Francisco, Sept. 24. 'We're not here to fight BMI, we're here to show the folks just what ASCAP has to offer. So far as I'm concerned, BMI doesn't exist.'

Pacing his St. Francis hotel suite, Gene Buck, ASCAP's proxy, commented on ASCAP-BMI relations, currently spotlighted here by a parade of talent on 'ASCAP Day' at the San Francisco Fair (24).

'BMI doesn't mean a thing. All my friends want to know why I don't fight BMI. BMI hit its peak at the network-dominated N.A.B. convention in this same hotel. It's going downhill now and I wouldn't even bother to throw ashes on the trail.'

What about all those stations which have signed with BMI? Buck laughed. The finest thing in the world would be the end of ASCAP music at midnight on New Year's eve. Let 'em all play their public domain and amateur music. I couldn't ask anything better!

Scant possibility of such an eventually exists in fact, as Buck sees it. He said that individual stations were continuing to sign up with ASCAP but for the sake of harmony nothing much was being said about it. He hinted also that even some of the network boys weren't too happy over BMI, but were in a position where they could do nothing but 'string along with Mr. Klauber's baby.'

'After all,' Buck pointed out, 'the big advertisers are going to have

something to say in this matter. They're going to want to know pretty soon just what-Bing Crosby—is going to sing or what's going to be played between Jack Benny's jokes.

'And what are your concert singers going to sing? What will there be for John Charles Thomas or Grace Moore or any of the rest of them to broadcast without ASCAP music? Why, the whole thing is silly. The broadcasters have just built up a straw man and are punching it around.'

Buck recalled meetings between ASCAP and the broadcasters in the midst of which Klauber, CBS v.p., showed up with the BMI theory.

'There's nothing personal in my comment,' Buck added. 'The ASCAP door is always open—but we're not going around knocking on any doors.'

Buck, who trained in Friday night, was hosted to lunch Saturday by George Creel. Monday he presided at an ASCAP luncheon for the press. Today (Tuesday) sees the ASCAP gang guesting at a cocktail party between shows on the Island. Wednesday the Bohemian Club tosses a feed for Buck and Thursday he and his wife chug homeward.

Harry Maltz, of KFWB, Hollywood, wired requests for line feeds from the Island during the ASCAP show, with KYA, Hearst outlet here, also made overtures, with possibility that the two stations would hookup to air a portion of the proceedings. At press time, however, final arrangements had not been completed.

Proposes That 5,000 Refugee Musicians Be Scattered Throughout America

Milwaukee, Sept. 24. Refugee musicians now largely concentrated in New York City will be distributed throughout the nation under plans being worked out by the National Federation of Music Clubs, whose membership comprises 5,000 groups scattered through every part of the United States. Mrs. Vincent Hilles Ober, of Norfolk, Va., president of the federation, pointed out to the board of directors meeting here at the Hotel Flister that New York, "highly-competitive anyway," is now congested with the refugee artists and can hardly be expected to absorb this vast amount of talent, while their distribution under a comprehensive plan will be of "inestimable cultural value" to the nation as a whole without shutting off opportunities for native artists.

"Many musical enterprises in other sections of the country lags because competent men are not available there," said Mrs. Ober, "and the wealth of talent the European crisis has sent us can be effectively used to build up musical organizations in many communities." Promising assistance to the National Refugee service, the federation directors outlined a survey by state presidents and all their clubs to investigate immediately and supply detailed information as to the type of musicians who can be used in various localities, so that refugees may be distributed at the earliest possible moment.

CRAWFORD MUSIC SALE GOES COLD

Low Brown and Ray Henderson's dicker with Max and Louis Dreyfus for the Crawford Music Co. has fallen through. Understood that the Dreyfuses were not interested in any deal that doesn't bring them a huge portion of the sale price in cash. Another Dreyfus-owned catalog in which Brown and Henderson have evinced an interest is Marlo Music Corp. Primary motive in this instance is the membership it would bring in ASCAP.

The Dreyfuses want what they paid for the firm plus 6% interest. The Crawford turnover to them several years ago cost \$175,000 plus several thousand dollars in debts outstanding which had not been included in the original list of liabilities.

BYRON GAY'S \$250,000 SUIT OVER 'THE VAMP'

A \$250,000 suit in the N. Y. supreme court by Byron Gay against Robbins Music Corp., Leo Feist, Inc., and 20th Century-Fox Film, was revealed Monday (23) when the plaintiff applied for the right to examine Abe Olman, assistant secretary of Robbins and Feist, and William C. Michael, executive v.p. of the film company before trial. Breach of contract is the basis for the action. Gay composed "The Vamp" and made a royalty agreement with Will Rossiter on the song. Latter was granted the publishing and mechanical rights only, allegedly. Some time after the agreement was made, Rossiter turned over his rights to Feist, which company is controlled by Robbins. Plaintiff claims. Since that time neither Feist nor Robbins have paid royalties, and it is alleged the music firms turned the song over to 20th-Fox and it was used in "Rose of Washington Square." An injunction, accounting of profits, and damages of \$250,000 are sought.

Frisco Dance Takings

San Francisco, Sept. 24. Two bands broke records here on the same weekend. Artie Shaw pulled 813 covers on his first Saturday and 433 Sunday, to hang up a new Rose Room high at the Palace. Henry Busse topped the year's take at Sweet's ballroom, Oakland, with a one-night gross of \$1,800, representing 2,535 steppers.

Sheet Biz Leaps

Sheet music business has been picking up strongly in the past three weeks. Last weekend's orders, the jobbers report, represented the biggest turnover that the industry has experienced since last winter.

Of much help to the recovery has been the appearance on the list of several exceptionally commercial tunes.

Freeze ASCAP Ratings Until System Shifts

For the second consecutive quarter of this year there will be no change in the availability ratings of the publisher contingent in the American Society of Composers, Authors and Publishers. The current quarter for ASCAP members ends Sept. 30 and the royalty checks for it will go out in the mail the second week of October. Board of directors meets tomorrow (Thursday) and the size of the royalty checks will probably be determined by their decision to deduct a chunk of the quarter's collection as a reserve in the forthcoming fight with radio over the new licensing contract.

Reason given for freezing the ratings for the second quarter of this year was that the availability committee favored making no changes while an attempt was made to find ways of improving the publishers' system of classification. The committee now feels that it had removed the underlying cause for complaint from among the publisher faction when early in the year it put through a series of drastic changes in availability. Also that if there are any inequities they can only be of negligible percentage and that anyway the interim has failed to account for any marked shift in an firm's availability rating. Availability factor is under consideration relative value of a member's catalog to the Society.

Jerry Vogel Withdraws Claim to 'Soldiers'

Jerry Vogel has withdrawn from the American Society of Composers, Authors and Publishers his claim to credit for a copyrighted special arrangement of "Soldiers in the Park." Vogel had been under the impression that this number was in the public domain.

"Soldiers" is from the score of "A Runaway Girl" which Lionel Monckton wrote and Chappell & Co. copyrighted in 1898. When it came to renewal Chappell registered the score as a whole and not the individual numbers. Since there was no record of a renewal of "Soldiers," Vogel concluded that the right had been allowed to lapse in the public domain.

E. B. Marks, apparently under the same impression, later got out an edition of its own on "Soldiers in the Park."

'Vendor's Song' Suit Ends

A suit by Jack and Joseph Kammen, doing business as J. J. Kammen Music Co., Inc., against Edward B. Marks Music Corp., Gregory Stone, Lester O'Keefe, and the RCA Manufacturing Co. was settled and discontinued out of the N. Y. federal court Saturday (21). The action sought damages for alleged infringement.

Joseph Kammen in 1929 composed a song, entitled "Beigelach, Koif, or Beigelach." In 1939 he granted rights to RCA to make recordings of the song. It is claimed that the defendants plagiarized the plaintiffs' song in "Who'll Buy My Publickly" or "The Street Vendor's Song," and that RCA made records of that song also. An injunction, accounting of profits, and 2c damages for each record sold were asked.

CLEVELAND SCALE AS IS

Promise to Use More Locals Enough For Union

Cleveland, Sept. 24. Differences between downtown hotels and musicians' local, which had threatened to hike their scale from \$2 to \$3 an hour per man, were ironed out last week. Salary jump was called off by Lee Repp, union's prez, when the hotel managers' association agreed to use more Cleveland bands in their dance-dinero rooms. Argument about hostilities not giving home-town talent a break was brought up in mid-summer when one hotel brushed off a local maestro, who beefed by closing its supper-club and importing an out-of-town quartet for adjoining cocktail room.

Cleveland Hotel made initial concession to union on new understanding by placing Gene Beecher's band, a home product, in its Bronze Room. Outfit booked for only about six weeks, with Paul Pendavris' crew being slated for Oct. 10, coming from Minneapolis. Hollenden gave another break to localite, George Duffy, whose orchestra wound up seven weeks at Vogue Room to reopen Neil Howe's Century Room in Columbus, O., tomorrow (19). Carter Hotel's Petite Cafe to try out a Cleveland string ensemble, auditioning several of them now, after current engagement of Three Rollickers.

OPERA CRANKS PICK FLAWS IN DISCS

Some music lovers and opera enthusiasts have been disappointed by the first two releases by the National Committee for Music Appreciation of its abbreviated sets of "Carmen" and "Faust." The main objections seem to lie in the character of the performances of the recording artists. When the sets were announced, it was declared that they had been recorded in May and June by Victor and Columbia and by "world-famous vocalists." Now it turns out that the audition winners of the Met auditions of the air are the recording artists, together with lesser known singers recruited from the Chicago and Los Angeles companies. In the first two releases for example, the voices of Raoul Jobin and Leonard Warren could be recognized, so it can be assumed that others such as Norman Cordon, Arthur Caron, etc., will be in the future recordings. While these singers are by no means mediocre if present standards of singing are adopted, they probably cannot compare with the recordings available of Pons, Martinelli, Pinza, Kipnis, Bjorling, etc., in the Victor or Columbia catalogues, purchasable at \$1.

Since most of the record stores are cutting on the list price, records of celebrity-singers are available from 75 cents up, compared with the 58 cents a record in these sets, not so much a difference as to warrant purchase.

Then criticism is directed at the "surface" of the recordings, which becomes tinny and metallic when played several times. An echo predominates, suggesting the recordings were made in a large empty hall, and not under the best of present day recording systems. The task of abbreviating the operas also is criticized, as in the case of "Faust" where the principal tenor and soprano arias were omitted, several important duets left out, and the parts of Valentine and Siebel discarded as non-existent, in favor of recording of orchestral versions of the opera. Unless there is a decided pick-up in the quality of the next releases, the proposed goal of 1,000 sales will probably not be reached. The orchestra is that of the Met under the baton of Wilfrid Pelletier.

Woody Herman's band has changed its closing theme tune for the fifth time. Each time one of the men in the band writes a new tune that looks like it can become some sort of hit, the number is arranged and recorded, and inserted as the band's closing theme to plug it as much as possible. New one is "Music by the Moon." Some past ones were "Blue Evening," "Woodchopper's Ball," and "Blues on Parade."

15 Best Sheet Music Sellers

(Week ending Sept. 21, 1940)

God Bless America	Berlin
Blueberry Hill	Chappell
I'll Never Smile Again	Sun
Sierra Sue	Shapiro
Only Forever (Rhythm on the River)	Santly
Maybe	Robbins
When the Swallows Come Back	Witmark
Shout, I Am an American	Mercer
Trade Winds	Harms
I'm Nobody's Baby (Andy Hardy Meets Deb)	Feist
Can't Get Indiana Off My Mind	Santly
Call of the Canyon	Shapiro
Ferryboat Serenade	Robbins
Practice Makes Perfect	BMI
Crosstown	Shapiro

*Filmusical

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

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (Sept. 18-22). Total represents accumulated performance on the two major networks from 8 a.m. to 1 a.m. Symbol: * denotes film song, † stage musicals, all others are pop. Parenthetical numeral after the title indicates how many weeks the song has shown up in these listings.

TITLE	PUBLISHER	GRAND TOTAL
Our Love Affair (2) * Strike Up the Band	Feist	49
Practice Makes Perfect (8)	BMI	38
That's for Me (7) * Rhythm on the River	Famous	31
Same Old Story (8)	Santly	30
There I Go (8)	BMI	30
When the Swallows Come Back (13)	Witmark	28
Maybe (8)	Robbins	27
Call of the Canyon (8)	Shapiro	25
Only Forever (4) * Rhythm on the River	Chappell	25
Blueberry Hill (11)	Berlin	22
Looking for Yesterday (3)	Harms	22
Trade Winds (7)	Marks	21
And So Do I (6)	Leeds	21
I Could Make You Care (1)	Witmark	20
I'm Nobody's Baby (15) * Andy Hardy Meets Deb.	Feist	20
We Three (1)	Mercer	20
Can't Get Indiana Off My Mind (8)	Santly	19
Look at Me (3) * Night at Earl Carroll's	Paramount	19
Ferryboat Serenade (6)	Robbins	19
I'll Never Smile Again (15)	Sun	18
Tom Home Again (3)	Olman	18
Nearness of You (15)	Famous	17
Shout I Am an American (4)	Paramount	16
Danny Boy (20)	American	16
I Can't Resist You (18)	Ager	16
We Could Make Such Beautiful Music (11)	BMI	16
In a Moonbeam (3)	Crawford	15
Get the Moon Out of Your Eyes (9)	Paramount	15
A Million Dreams Ago (3)	ABC	13
Fools Rush In (17)	BVC	13
Six Lessons from Madame La Zonga (15)	BVC	13
Whispering Glen (2)	Mills	13
All This, and Heaven Too (14) * ATHT	Remick	13
Never Took a Lesson in My Life (6)	ABC	11
Now I Lay Me Down to Dream (2)	Remick	11
Sierra Sue (19)	Shapiro	11
Shout I Am an American (4)	Mercer	10
Breeze and I (20)	Marks	10
Orchids for Remembrance (12)	Miller	10

Ban Noise Wagons

Detroit, Sept. 24.

One of the favored ballyhoo methods here has been ruled out by the City Council which has practically ordered sound trucks out of Detroit. Too plentiful use of the traveling juke boxes which brought numerous complaints from mothers that the blaring music woke their babies up during afternoon naps and gripes from other citizens led to the action.

The new Detroit ordinance forbids the use of sound cars on any through streets, main thoroughfares, any streets with car lines and bans them entirely from the downtown business district.

The sound wagons recently hit a new high here during the political campaign when dozens of candidates rented them from the numerous companies here dealing in such equipment. On top of their use by theatres and politicians the sound cars have been used by unions in keeping up spirit and directing strikers.

Connelly, Dash Still Awaiting That \$20,000

Some \$20,000 in funds to be transferred from London for the use of Reg Connelly and Irwin Dash is still in the state of negotiation, delayed by the present blitzkrieg. While Connelly and Dash don't need this directly for the acquisition of Superior Music catalog, which firm they're buying as a U. S. adjunct, Connelly wanted that money for reserve. The London banking authorities have stated they will endeavor to transmit these funds. Meantime, Connelly, his wife and son, planned to Nassau on a holiday.

Odd Situation in Syracuse Action for Bankruptcy Retains His Accordion

Syracuse, Sept. 24.

When a musician runs into trouble with the business world, there are apt to be complications. Tony Salotto, local night club accordionist, is involved in a bankruptcy proceeding. He claimed his \$975 accordion should be exempted from his list of assets as it is one of the tools of his trade. The court ordered him to bring the instrument with him to prove his skill as a professional musician.

When he walked in with the accordion, an attorney for the music concern from whom he had purchased the instrument, greeted him. If the court exempts the accordion as an asset, the attorney told Tony, "we're going to repossess it. You're behind in your payments and you still owe \$500 on it."

Tony was the horns of the well known dilemma. When the court asked him to play a tune, the only tune he could think of was: "I'll Never Smile Again."

But, now for the happy ending: The court was satisfied with his playing, ruled him a professional musician and exempted the accordion from the assets.

And the hard-hearted music house attorney was so moved by Tony's playing that he announced his client would be ready to make a new agreement with Tony for payment on the balance owed on the instrument.

Four Rhythm Boys went into Hotel Roosevelt's Lounge Cafe, Pittsburgh, Monday (23), succeeding Kaahue Hawaiian troupe. Later to Adolphus Hotel in Dallas. Placed by Joe Hiller for CRA.

Charlie Barnet Fights Consolidated; Involves Mrs. Kramer of Edison

Charlie Barnet started his long awaited attempt to nullify the management contract between himself and Consolidated Radio Artists last week. Summons in the suit, which has not been filed as yet, was served on CRA Thursday (19), and was 'welcomed with open arms,' according to one of its officials. Suit doesn't involve any cash damages, but calls for an accounting of the gross monies earned by Barnet's band and the amounts taken by CRA and commissions over an unspecified back period. It also seeks to cancel the agreement between the two parties on the basis of fraud. CRA has 20 days to file answer. Problem is to be decided in N. Y. supreme court.

Barnet's contract with the agency for 10 years as of last March 14, and calls for 20% commissions on all dates, whereas the usual contract between a band and a booking agency calls for different commission amounts in various fields, one-nighters, theatres, radio, records, etc. Leader explains that the 20% agreement was the result of his last date at the Lincoln hotel, New York, owned by Mrs. Maria Kramer. Says that on his first stand there, February his band was losing money in order to play the date. That he later signed the new 10-year pact on the understanding that Mrs. Kramer was to get half of the 20% in order to allow her to bring him back in June and pay him enough salary so that he wouldn't lose money. In short, the extra 10% was to be paid CRA, who was to pay it to Mrs. Kramer so she could raise Barnet's salary enough for him to break even. Band went back into the hotel in June under that arrangement and allegedly failed to have its salary raised even though Mrs. K. was supposedly being paid her 10%. Result was the band had to cut its date there short, in order to go out on road and replenish its bank balance.

Though James C. Petrillo, prez of the American Federation of Musicians told VARIETY last week that he had ordered Barnet to abide by the terms of his contract with CRA, the band is still at the Fiesta Cateria, N. Y. Fiesta date was booked without CRA's help and directly in opposition to one-night stands that the agency had lined up for the band, to be played during the same period. AFM is either too busy with its dispute with AGMA, or has been stopped from lifting Barnet's membership card for disregarding its orders by the threat of an injunction if it tries to rip up the leader's license to work. Such an answer supposed to have been given Petrillo by Sam Gottlieb, lawyer. Barnet has retained to handle the suit against CRA. At any rate the band is still working at the Fiesta in full defiance of AFM orders.

In the meantime ballroom operators who bought Barnet's band from CRA, for the dates that are now under discussion, are stirring. Andrew Perry, op. of the Empire Ballroom, Allentown, Pa., was in N. Y. last week to deliver a deposit, he had forwarded to CRA on Barnet stop at his dancery down for tonight (Wednesday). Howard Hobbs, of Mahoney City, Pa., who also booked the band, told N. Y. band agency friends last week he was going to start suit against Barnet for \$1,000 for loss of goodwill, prestige and the expense of advertising the date. Ray Hartenstein, op. of Sunnyside Ballroom, Forest Hills, Pa., released Barnet from his commitment and has already substituted Dick Stable.

Barnet's band goes into the Dancin' Campus at the N. Y. World's Fair Oct. 2, following the current Gene Krupa. It was also booked without CRA's help.

KRUPA'S EXPO HYPO

Gene Krupa's orchestra kicked over all attendance records at the Dancin' Campus, N. Y. World's Fair, for two days Saturday and Sunday (21-22) and, according to Campus management has set the best record of any outfit to play there since the dancery opened. In the two days Krupa drew 19,720 and 25,107, Saturday and 8,938 Sunday. He had set a new Sunday high the previous week with 8,700.

Krupa puts on another drumming contest for amateur skinbeaters next Sunday (29). Prizes are various parts of drumming paraphernalia.

British Best Sellers

(Week Ending Aug. 31)

Singing Hills.....	Connelly
Beguine.....	Chappell
Can't Love You.....	Day
Nightingale.....	Maurice
Poofs Rush In.....	Cavandish
Tigerty Boo.....	Maurice
In Love Again.....	Maurice
Woodpecker Song.....	Sun
Arm in Arm.....	Wood
Don't Ever Cry.....	Wood

SAVITT PAYS \$25,000 FOR RELEASE

Music Corporation of America and Jan Savitt bought the latter's orchestra management contract from Consolidated Radio Artists last week for a reputed \$25,000. Savitt's crew, currently at the New York Paramount theatre, shifts to MCA management immediately. Deal called for \$12,500 when the contract changed hands Monday (23) and the rest within five months.

Entire cost of the switch to MCA will be borne by Savitt. He produced all of the initial payment via a \$12,500 loan from MCA. Advance will be repaid to MCA by two box office orders for \$2,500 apiece on Savitt's current date at the Paramount theatre, New York, and the rest by increasing the band's commission payments to its new agency by 5% on all dates. Savitt will pay CRA the remaining \$12,500 in instalments. It's the same sort of arrangement under which Russ Morgan's contract was recently bought by MCA from the same opposition agency and for the same price. Savitt's contract with CRA was for five years as of June, 1939, and still had almost four years to run.

General Amusement Corp. was also in the picture to buy Savitt's contract, but bowed out before negotiations went very far. Early this spring it had been rumored that Savitt was about to buy up his booking rights from CRA, but nothing came of it.

MANIE SACKS LEAVES MCA, JOINS COLUMBIA

Manie Sacks leaves Music Corp. of America the end of this week (28) and is expected to join the Columbia Record Corp. as head of its popular record department, headquartered in New York. He will not replace anyone, rather taking a newly created position as buyer and handler of all talent on the 35c Oldie and 50c Columbia labels. Joe Higgins remains, not being disturbed by Sacks' joining.

Sacks handled all recording deals for MCA artists and, in addition, was the go-between for Philadelphia and Atlantic City spots, some of which he developed as name band stands. He was with MCA five years.

Kemp Reopens Hotel

Atlanta, Sept. 24.

Hal Kemp will reopen Hotel Ansley's Rainbow Room Friday (27). Band is booked in for two weeks, with Jan Garber and other name bands scheduled to follow. Dine and dance spot will offer dancing nightly except Sundays with music charge of 15c week nights, \$1.25 (plus tax) Saturdays under new policy. Kemp's band features Bob Allen, Janet Blair, Jack LeMaire and Johnny Cyr.

Saxie Dowell, former star with Kemp's tooters, brought his band (MCA) to Henry Grady hotel in Spanish Room Saturday (21). Spanish Room is only Atlanta dine and dance spot that operated through summer.

Harold Austin playing name bands at new Esquire Ballroom, Buffalo, teeing off tonight (24) with Harry James.

Band Bookings

Will Bradley, Oct. 11-12, VPI Club, Blacksburg, Va.; 18, Convention Hall, Camden; 19, Odd Fellows Hall, New York; 26, Cornell U., Ithaca, N. Y. Esquires, Sept. 30, indef., Cadillac hotel, Detroit.

George Olsen, Oct. 17, indef., Rice hotel, Houston, Tex.

St. Joseph, Oct. 5, Frog Hop B. St. Joseph, Mo.; 6, Tromar B., Des Moines; 8, Cobblestone B., Storm Lake, Ia.; 10, Palmer House, Chicago.

Carl Ravazza, Sept. 22-29, Aragon-Trianon B., Chicago.

Boyd Raeburn, Oct. 12, four weeks, Club Trocadero, Evansville, Ind.

Art Tatum, Oct. 1, Cafe Society, N. Y.

Pinky Tomlin, Sept. 28, Sweet's B., Sacramento, Calif.; 29, Sweet's B., Oakland, Cal.; Oct. 11, Minnetonka U., Minneapolis.

Count Basie, Sept. 29, Frazier Park, Auburn, Ala.; 30, Aud., Savannah; Oct. 1, Columbus, Ga.; 2, Greenville, S. C.; 3, Cotton Club, Florence, S. C.; 4, Augusta, Ga.; 7, Elizabeth City, N. C.; 13, Strassberg, Va.; 14, Aud., Raleigh, N. C.

Lois Breeze, Oct. 4, State-Lake theatre, Chicago.

Duke Ellington, Oct. 28, Parkway B., Chicago.

Will Osborne, Oct. 24, four weeks, Nicolet hotel, Minneapolis.

Bunny Berigan, Sept. 28, Dancing Campus, World's Fair, N. Y.; 29, Roseland B., Brooklyn; Oct. 5, Sunnyside B., Pottstown, Pa.

Russ Morgan, Oct. 18, Arcadia B., New York; 8, Allentown, Pa.; 12, York, Pa.

Any Shade of Red Label Exclusively for RCA Discs, Suit Asserts

The RCA Manufacturing Co., following on the heels of an action against Decca Records, filed a triple damage injunction action against the Columbia Recording Corp., Columbia Phonograph Co., Inc., and Times Appliance Co., Inc., in the N. Y. federal court Wed. (18), claiming infringement by Columbia of RCA's 'Red Label' trademark.

RCA asserts it acquired the red seal in 1902, and that in Sept., 1939, the defendants hired away five of more key men from RCA, and used them in the manufacture of records. Columbia at this time started out to divert to themselves the record business and good will which RCA had built up, complaint charged. Included among the charges is that the defendants induced artists who had been exclusively RCA's to record for them. At the same time it issued a red label series, which RCA claims is a takeoff on its Red Seal series. The result has been a creation of confusion in the public mind and has impaired the distinctiveness of the label, the complaint continues.

An injunction against the use of any shade of red, destruction of all records, an accounting of profits, and triple damages are sought.

The Gramophone and Typewriter Co., of London, England, sister company to Victor, predecessor of RCA, first used the red seal label in its celebrity series issued in 1902. At this time such artists as Caruso, Scotti, De Luca, Battistini, Adams, etc., were placed under contract to the company. These recordings were issued in late 1902 in America under the Monarch 5000 series, comprising about 100 recordings of about 25 artists.

In April, 1903, Columbia issued a series of celebrity recordings of Edeardo de Reszke, Marcella Sembrich, Suzanne Adams, Antonio Scotti, Charles Gilibert, Ernestine Schumann-Heink and Giuseppe Campanari under a red label.

Victor immediately started court action and in late fall, 1903, won a decision awarding it the red label and Columbia switched to a black and silver label. Victor has retained its rights to a red label to this day.

Girl Too Tall for Kaye

Buffalo, Sept. 24.

After a week with a girl singer with his band, Sammy Kaye is back to an all-male lineup. Picked up Louise Lorraine, known also as Louise King, near Hamilton, Ont., recently and used her on one-nighters through downtown New York and Ohio.

Liked her voice, Sammy said here Friday (20), but let her go because she was taller than himself and most of his men.

Many Dance Band Leaders Within Conscription Ages; Trade Wonders About Those U. S. Army Bands

Booker's War Clauses

Bank booking agencies have begun writing contracts for band dates, when requested, with clauses inserted cancelling their terms in the event of war. Very few have been written so far. Latest was Monday (23) when Harry Moss, of Music Corp. of America, booked Benny Goodman's band for a dance at the Manhattan Center, New York, on Nov. 9. It's being run by a Brooklyn social club.

Recently enacted conscription laws make no provision for exemption for anybody within the eligible brackets. Band leaders, musicians, or any male entertainer in the theatrical field, between the prescribed ages (21-35), will be eligible for draft into one year of army training. Inasmuch as a major portion of the biggest name band leaders in the business at the moment are between the desired ages, as are a bigger percentage of the musicians who make it possible for them to be band leaders, it is entirely possible that conscription will have a definite effect on orchestra personnel within the next six months.

Of the name band leaders under 35 who are eligible for the draft, Benny Goodman is 31, Tommy Dorsey, 33; Gene Krupa, 31; Artie Shaw, 32; Herman, Sammy Kaye, Charlie Barnet, Bobby Byrne, Bob Chester, Larry Clinton, Bob Crosby, Harry James, Jan Savitt, are all considered under 35, though most are married and some are fathers.

If many of the sidemen in bands are conscripted, one of the first reactions will be a resumption of the raiding, by leaders, of other bands to fill places left vacant by drafted men. Such a situation undoubtedly will result in again skyrocketing the salaries of trumpeters, etc., to top-heavy proportions, just as the mania of a year and a half ago for new bands developed that difficulty. On the other hand, if the training call is heavy enough among musicians, it may simply result in cutting down the number of bands available through combining remnants of outfits.

For Army Bands?

The Government as yet has given no indication that leaders or musicians will be excused, where possible, on the thought that allowing such men to remain in their jobs will be good for public morale. Angle is taken that conscription doesn't mean war and that there is no reason for bolstering the public courage. A facetious thought advanced is that musicians may be drafted purposely to populate army bands, more of which will be needed with so many men under conscription. Bands are an integral part of army life. It may not be as funny as it seems.

New York local 802 of the American Federation of Musicians is making preparations for future welfare of its members in the event any of them are called. Conscriptees will be given leave of absence for one year and upon return will pick up where they left off. Dues will be suspended and each will retain full rights and membership card just as though they had not been called. In addition, 802 is considering such problems as insurance. Each member of the local is in on a group policy. Jack Rosenberg, head of that arm of the AFM, says that the company which holds the policy is considering a moratorium against paying out on anyone conscripted, for the duration of the training period. If it carried out, 802 will battle such a move, also on the theory that conscription isn't war and that there will be comparatively little danger to the men taken.

AFM, the national body, has devoted little attention to the problem, so far.

Raymond Paige has discovered that 37 of his 61 men are eligible for the draft.

THE BROOKLYN WAY

Free-For-All in Seat Rush at Jimmy Dorsey Show

Jimmy Dorsey's date at the Flatbush theatre, Brooklyn, started a small riot at the house, Saturday (21). Theatre was jammed with standees when two young fellows rushed from separate aisles for a single seat midway between the paths. In climbing over a seated patron, one of them became embroiled in an argument. A poorly aimed punch hit another seated in the row in front.

Punch resulted in two groups staging a small free-for-all, involving about 10 men. Took the ushers and the assistance of a couple of cops to straighten it out. None was arrested. One was hurt, cut on the head, when he fell and struck a seat.

DON'T WAKE 'EM UP TO TELL 'EM THEY WON

Because WNEW, New York, was wary of reaction to awakening unsuspecting prizewinners at 1 a.m. to inform them of good fortune, Bobby Byrne had to inform winners of gold watches the next day. At Glen Island Casino, New Rochelle, New York, Byrne conducted a switch on the 'Foot of Gold' program last week by awarding wrist watches to people whose names were selected at random from phone books by G. I. patrons. Three timepieces were distributed.

Beside having network wires, Byrne's band gets 10-12 local shots a week over WNEW. It was as exploitation for these broadcasts that the gag was worked up, but the station didn't want to chance riling anyone by jingling 'em out of a sound sleep. Byrne informed the winners by wire the following day.

BILL CARLSEN BAND BREAKS UP IN DENVER

Milwaukee, Sept. 24.

Long considered this town's ace band and after struggling for several years to hit the big time, Bill Carlensen's orchestra finally broke up in Denver and the maestro is back in Milwaukee auditioning musicians for a new outfit. Bust-up began when several members of the band, including the workhorses, Gil Rutzen and Mickey Dowd, pulled away. Others quitting were the 'Zlich Brothers'-Joe Potzner, Otto Scharf and Steve Kozera—who opened this week at the Riverside theatre as members of Lee Roth's house orchestra.

Carlensen decided then he had better come home and start all over again from scratch.

Benny Goodman Lines Up Dates for His New Band

Benny Goodman has begun to accept dates for the new band he has not yet begun to rehearse. Leader does not intend to play one-nighters when he gets the new outfit riding smoothly, but until then will take about two a week, the financial returns from them going toward paying expenses of rehearsal and other costs attendant to getting a new band rolling. Goodman is being sold at the same money he was getting when he quit.

Leader's intention seems to be to construct the new outfit on a four sax, four rhythm, four brass basis and is still undecided on whether or not fiddles will be included. According to persons close to him the style of the band will be quieter, patterned after the last couple of sides he made for Columbia records. 'Nostalgia' one of the last, was the first waltz tempoed tune he ever cut.

Jobs leader has already accepted to play are: Washington & Lee U., Lexington, Va., Oct. 19; Lehigh U., Bethlehem, Pa., Oct. 25; and a private dance at the Waldorf hotel, New York, Oct. 28. Others are being set.

Continued from page 47

(Copy)

The bandleaders have been talking 'organization' to combat this situation and for this reason Jack Rosenberg, president of Local 802, New York (AFM), was consulted. Naturally the Local now, as in former years, will not countenance an organization within musicians organization, but has expressed himself 'wholly sympathetic to whatever serves the best needs of the musicians and leaders.' Hence,

No Joint Session

Meantime, Paine of ASCAP wrote Morgan the following letter, in rebuttal to the one published in VARIETY last week from BMI's Sidney M. Kaye:

(Copy)

Sometime later, NAB had its annual convention in San Francisco. We wrote Mr. Miller requesting the privilege of attending to give the broadcasters the facts about ASCAP. Mr. Miller turned us down cold.

More than 50% of these stations will pay us exactly \$1 A MONTH for sustaining, regardless of how many hours a day they use our music. **On sponsored programs,**

Cordially your,
American Society of Composers,
Authors & Publishers,
John G. Paine

musicians

Invited by BMI-ASCAP

Glenn Garr, Barry Winton, Woody Herman, Bobby Byrne, Ray Heatherton, Will Hudson, Russ Morosan, Johnny Long, Ray Herbeck, Gene Krupa, Frank Gagen, Eddie Egan, Leo Reisman, Louie Prima, Milt Larkin, Alvin Auld, Gus Steink, Gray Gordon, Johnny Messner, Cecil Gault, Sam Savitt, Bobby Day, Al Kavelin, McFarland Twins, Jerry Livingston, Ina Ray Hutton, Les Brown, Dorothy Monroe, Van Alexander, Kinsey Arnold, Mary Martin, Billie Holiday, Virginia D'Amico, Frankie Laine, Sammy Lang, Thompson, Pancho Rivera, Masters, Kaye, Charles Barnett, Jose Marsala, Eddie Lane, Jack Coffey, Paul Whiteman, Duke Ellington, Duke Ellington, Duke Ellington, Bob Chester, Vincent Lopez, Don Byrd, Harry

Band	Hotel	Weeks Played	Covers Past Week	Total Covers On Date
Woody Herman*...New Yorker (400; 75c-1.50).....		6	2,175	11,925
Russ Morgan.....Pennsylvania (500; 75c-1.50).....		6	1,150	7,545
Ina Ray Hutton*...Astor (900; 75c-1.1).....		3	1,625	6,725
Ray Kinney*.....Lexington (300; 75c-1.50).....		19	1,525	23,875

* Asterisks indicate a supporting floor show, although the band is the major draw.

Night Club Reviews

EL CHICO, PITT

George Negrette mics and makes the most of his strong baritone in a solo spot. Vocally, Negrette scores a bulls-eye, ringing the bell on all of his numbers, but his m.c'ing is a little off-kilter. He's got a few off-times by a garrulous people, but Negrette needn't be quite so with his announcements. Mob's a bit fatigued by the marathon introductions of the band's scene-stealing members. Galvan, San Souci dancers, three femmes and three boys, are also in the groove. They're all attractive, and strike the right balance of sexily, in their multiple costumes, and click consistently. Repertoire includes Mexican and Spanish folk dances and, of course, the inevitable salsa. With a few exceptions, the session Galvan and his compny partner are coking terpers, and, while they get off some individual tracks, act could stand more of them along.

Band (all-male) is presided over by Lola Cordoba, a swiny senorita who does the vocals and occasionally sits down for some keyboard pounding. Gal has a lot of pep and zoom, and her hip-swinging gives the ring-siders and dancers something other than music to center their attention on. Orch specializes, of course, in tequila terp, but because Pittsburgh is a little backward in rhumbology, outfit has to major in American tunes. They're just adequate in that department.

El Chico's drinks are priced along the local scale, in the four-bit class, with specialties of the house, of course, including rum conceptions, zozima, and the like, going higher. There's a cover of 50c a person, but that's to be clipped for regulars and spenders with commitments of the house.' Dinners, with music, are dominantly Spanish, are from \$1.50 up, and Sala's also going in for lunch trade, but minus music. He's presenting two shows nightly, at dinner and shortly after midnight, and looks like he has a cinch click if he regulates the temperature. Cohen,

STORK CLUB, N. Y.

Jack Harris Orch (9) with Kay Lorraine; \$2 cover.

Sherman Billingsley's ace retreat in East 53rd Street is set to go along with the expected boom in New York nite life, brought about by the moneyed international crowd having no other place to go than these United States, plus the usual war-escapology that usually benefits all amusements. Certainly, 1940-41 seems penciled in as the peak year of the post-prohibition era, and judging by business all over New York town the optimism is not without merit.

Jack Harris, repatriated maestro from Ciro's, London, is the reason for another Billingsley 'opening' although the Stork has been notorious for its general aloofness. Not to have been barred by the diplomatic corps for admitting the beach of nitty etiquette, not Billingsley standards—almost makes you a sissy; but the Stork boniface's insistence for proper deportment and ultra catering has set this room apart from the rest of the town. The place goes into almost an altogether kind of a madhouse to embellish the kitchen—but the Stork alone maintains the peakeasy era's not-always-open-sesame. If you're not 'degradable', maitre d'hotel Lopez has despoiled into a fine art the spiel that the 'com' can't do. And that's not even though it may be half-empty and hungry for customers.

Harris brings to the Stork, accordingly, a paradox—a 'name' band in a spot where the prime attraction is the celebrity cluster of customers. Adhering to the policy that the patrons make their own best fun, Billingsley unbends a bit with the Harris band and of course, a track dissipation aggression, with Harris featured vocally. Harris maestro-violins at the helm, and his support includes some of the top men around town: Irving Brodsky, piano; Sam Weiss, drums; Stretch McCarthy, bass; Larry Tice, first alto sax; Tony Zimmers, tenor sax; Andy Quirze, second alto sax; Bobby Jones, trumpet; Bill Spector, tuba.

Per usual the cover charge of \$2 is a gag to the regulars; it's stuck on to the others, which means that by and large the cover doesn't obtain. Room's decor has modified a bit for the winter season and business continues terrific. Billingsley, meantime, is still trying to get even on the East 54th street spot, nee the 9 O'Clock Club, which reputedly cost him \$30,000 last year. This season it's tagged the Club Cuba with Bobby Martyn at the helm, sliding into the current Latin motif.

LA MARTINIQUE. N. Y.

George Tapps, Harris & Shore,
Carlos Ramirez, Val Olman Orch
(8); Herbert Corbello Orch (9);
\$2 and \$3 minimum.

Dario, the ex-dancer, and his general manager, Jimmy Vernon, also a reformed ballroomologist, had done wacky things in cafe circles and made them pay, such as a class congerumba nitery such as La Martiniqne, last season Dario put in an eccentric comedian, Danny Kaye, and showcased that young man into big league attention. This season Dario has of all things—a South American operatic tenor, Carlos Ra-

(Continued on page 80)

JIMMIE LUNCEFORD

And HIS ORCHESTRA
Sept. 26th—Elks Auditorium, Los Angeles; 27th—San Diego, Calif.; 28th—Traveling to Houston; 30th—City Auditorium, Houston, Tex.; Oct. 1st—Little Rock, Ark.

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Mgt. HAROLD OXLEY
17 East 49th St., New York

THE ALL-AMERICAN
TRUMPETER

**ROY
ELDRIDGE**

and
THE QUEEN OF SONG

**BILLY
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APOLLO, NEW YORK
Week of Sept. 27

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Inside Stuff—Music

Kay Kyser has been making records for the Columbia Record Corp. since last July on a per record basis. Contract between the band and the cutting outfit expired during that month and the two failed to arrive at a re-signing figure. However, it's expected the situation will be straightened out when Kyser heads east to go into the Waldorf hotel, New York, Oct. 12. Following the expiration of the contract Kyser demanded a substantial raise in guarantee money for each side he turned out. Proposition was refused by CRC's board of directors. There were several differently couched deals offered, but none accepted. For a time he was considering shifting his band to the Victor label, but that's unlikely now due to the return there of Sammy Kaye. Kaye was on the 35c Varsity for a few months.

Santly-Joy-Select's tune, "Only Forever," rates as another example of a number that has skyrocketed in the best seller list without the aid of heavy air plugging. Song sold over 20,000 copies last week. S-J-S started plugging it the last week in August and the firm's exploitation policy on the tune since then has been to keep the plugs limited as to both number and performance value. Another of the firm's songs, "Playmates," which received limited playing over the air, has already gone to 270,000 copies and looks set to exceed the 300,000 mark easily.

Will Osborne is considering equipping his band with 'slide saxophones,' recently developed, and adding such a tag line to the outfit in place of the recently discarded 'slide music' which he used for some time with a trumpet section composed of what he called 'slide cornets.' New style saxes, invented by an Ed Juhn of Salem, Ohio, are peculiar looking affairs. They use the regulation mouthpiece, but are circular and have no bell. Small outlet near the bottom allows notes to escape. In appearance they're something like a tuba's coils without the usual bell.

The woodwork of LaGuardia Field, N. Y., is less than a year old, but already a songwriter has crawled out. Guy is Edmond S. Fish, City News staff man covering the airport who Satepovosted 'Airport Number One' few months back. Tune is a sweet plug for TWA's straitliner, titled 'How My Heart Flies.'

Fish, one-time trumpeter while at Georgetown, had his own band, the Collegians, and worked with Meyer Davis bands.

Music men like Irving Berlin and Jack Robbins are almost eager to essay 'a return to the good old-fashioned music business,' as it was years ago, with song demonstrating behind the music counters; trying to make song hits via the mechanicals, etc.

The network edict now for a minimum of three non-ASCAP tunes per broadcast touched off this attitude anew.

Band Reviews

LOU BREESE ORCHESTRA (15)
With Barry Warren, Skip Moore
Meadowbrook, Cedar Grove, N. J.
This band is an unexpected surprise. Made up of most of the men set adrift by Henry Busse last year when he took a new outfit into the Hotel New Yorker, N. Y., and with shuffle rhythm in the discard, it drives to a solid reaction with enthusiastic playing of almost anything. And caps that with smart glee club work that makes it a cinch for theatre and nitery work. Outfit has spent most of its recent time in Chicago at the Chez Paree and is scheduled to return there for another six months, starting in December.

In a three-day stretch at this Jersey roadside spot between Joe Venuti's leaving and the start of a stand by Glen Gray's Casa Loma, Breese and his group clicked so well that, if possible, they will be brought back before the start of the Chez Paree stand. Taking the band section by section, there seems to be no apparent weakness in its six brass, five sax, and three rhythm setup. Despite the fact that it uses no guitar (Don Huston left to form his own band), the rhythm is strong and steady. Brass is full and clean, as is the sax portion. Breese himself is a non-playing leader (he plays trumpet, but strictly for the longhairs, and doesn't brag about it), and as such carries himself with practiced ease. Few bands today are under strictly baton leaders; here it isn't noticed, because Breese doesn't push himself toward the spotlight. Skip Moore, trombone playing singer, hasn't a forceful

voice, but a likable mike personality gets him over easily. How much his tromboning means to the brass section is noticeable when he steps to the mike and back. Barry Warren's a straight vocalist, and so-so. He handles ballads.

A moment the crew has only two glee club arrangements, but both are sold enough to gather the house around the bandstand. One's tagged 'Mountain Greenery' and the other a particularly good 'Old Man River.' Its musical arrangements also rate a definite nod, two standouts being a writing of 'Dark Eyes' and 'Swampfire.'

Personnel: Bill Haley, Lix Riley, Porter Bailey, trumpets; Skip Moore, Eddie Schaefer, Hrudicka, trombones; Bob Baker, Al Bill, Bill Cervantes, Fred Kalte, Ronald Garrett, saxes; Mel Winters, piano; Ted Tillman, drums; Steve Bowers, base. Wood.

TOMMY FLYNN ORCH. (12)
With 'Tiny' Schwartz
Dellwood Ballroom, Buffalo

In a large-sized room where you'd expect to find plenty of brass, Tommy Flynn has built a stylized outfit definitely on the class side. Two-man violin section sets the motif. Music is even and jaunty with no pretense at loudness, band depending on its p.a. setup for that.

Instrumentation, besides fiddles, is three saxes (all tenors), two trumpets, piano, bass and drums. Brass always plays muted in staccato fashion, with 'Vic' Necanter in the solo spots. Occasionally the leader, a tall, personable chap, trots out his accordion, and pianist or one fiddler punch out an electric guitar chorus.

Band carries a full-time arranger, Jack Chandler, with pianist Jack Fisher helping out. They set a simple but very neat formula of agile string work and clear-out brass. Band gets great amount of variety into its music. Worked up a neat glee club style, with violinist Mike Mascino and Johnny Miller bowing deft background melody. Flynn, out of Cleveland, has had this crew at the ballroom one and a half years, and now moves into outside spots, opening at Chez Ami here (23). Leader does vocalizing, too, but his featured voice is 'Tiny' (6 ft. 4 in.) Schwartz, whose baritone wows the ladies. Betz.

On The Upbeat

George King opened indefinite run Monday (23) at Bill Green's, Pittsburgh, replacing Everett Hoagland band.

Etzi Covato's band back in Pittsburgh again for a run at Villa Madrid, which orchestra leader jointly owns with John Lazarro.

Ralph Allen into New Penn, Pittsburgh, for two weeks, replacing Joe Villella band.

Henry T. Gighner of North Arlington, N. J., has the ship's orchestra on the Ward Line S. S. Mexico between New York and Vera Cruz.

Emerson Gilli orchestra at the Green Mill, Saginaw, renewed indefinitely.

Joe Venuti band does a week at Glen Island Casino, New Rochelle, N. Y., between Bobby Byrne's Sept. 24 exit and Gene Krupa's Oct. 2 opening.

Shep Fields' Oct. 9 opening at Essex House, New York, replacing Al Kavelin, may be set back a week by date at Shea's theatre, Buffalo.

Jimmy Dale's new band signed to Wm. Morris agency for bookings. He's m.o. arranger.

Woody Herman 'Blues Album,' using many of Herman's blues clicks, being made up by Decca.

Bunny Berigan band played two days at Golden Gate Ballroom, N. Y., past Saturday and Sunday (21-22).

Pancho rumba and Latin group signed to record for Decca.

Teddy King band moves into Yacht Club, Pittsburgh, Friday (27) for a run, replacing Herman Middleman outfit, which has been at spot for more than a year.

Jimmy Gamble at Riviera, Pittsburgh, which is now owned jointly by John Maganotti, one-time operator of Plaza Cafe and Show Boat in that city, and Carlos Pugliese.

Millie (Whacky) Wayne out of the Nut House, Pittsburgh, after three months for a stay at the Catacombs in Columbus.

Alec Templeton will be first name to play new Kleinhans Music Hall, Buffalo, Oct. 17.

Wingy Manone's orchestra opened at the Club Lamaze, Los Angeles.

Lou Martin, for seven years leader at Leon & Eddie's, has just had his 66th option taken up, and will remain on the 52d street podium for at least 10 more weeks.

Ted Straeter band returns to Monte Carlo, New York, Oct. 1. Closes current job at Terrace Club, World's Fair, N. Y., day before.

Lucky Millinder band signed to Moe Gale office management. Currently house crew at Savoy Ballroom, N. Y.

Mary Ann McCall, who shifted from Woody Herman to Charlie Barnet to a single turn at Kelly's Stable, New York, opening last Thursday (12), will become Tommy Reynolds' vocalist.

Bobby Byrne's first date after Meadowbrook, Cedar Grove, N. J., is two days at Georgia Tech Nov. 15-16. Stays at Glen Island until Oct. 1.

Mrs. Kramer Faces Union on Charge She Regularly Collected Kickbacks

NEW ALBUMS

Liberty's Greta Keller, Columbia's Duchin, Decca's Hildegarde

Liberty Music has released a new album or records by Greta Keller, Viennese chanteuse due back soon at the Hotel Algonquin (N. Y.) Supper Club. She's accompanied by an orchestra directed by Cy Walter, her pianist. Columbia is releasing an Eddy Duchin piano album, eight sides, with light orchestral background.

Third record album of Hildegarde will be released by Decca this week, all Vernon Duke compositions, with the composer as well as Hildegarde's pianist, Leo Kahn, furnishing piano accompaniments. Previous Hildegarde albums featured Noel Coward and Rodgers and Hart works.

POP POLICY AT BILTMORE, N. Y.

Bowman Room of the Biltmore hotel, New York, will change its stance this season and go into competition with the popular-priced dining rooms, such as those in the New Yorker, Pennsylvania and Commodore hostilities. It has signed the Will Bradley band for a stretch beginning either Oct. 28 or Nov. 11, and coincident with the band's start will slash tariffs to a competing level. Biltmore has always been higher priced, and served up gentler rhythms. With Bradley, the hotel will have him under wraps for dinner, to retain that trade, opening up for supper to attract that type of patronage.

It's the first location stand of any kind in N. Y. for the Bradley outfit. Band is little more than a year old. It recently completed its first try at the Paramount theatre, N. Y., and is now at the Raymor ballroom, Boston.

Additional activity in the N. Y. hotel band lineups this past week tentatively rescheduled Jimmy Dorsey's outfit for the Pennsylvania. If completed group will be down for eight weeks, beginning Jan. 16, immediately following Glen Miller, who goes back for his second stretch Oct. 7. 'Dorsey finished a long stand at the spot only last July 30. Russ Morgan is current.

Abe Lyman's band replaces the current Woody Herman at the New Yorker Oct. 10, for eight weeks. Herman goes out on 10 straight weeks of theatres and may return later.

Music Notes

John Leopold doing the scoring job on Paramount's 'The Quarterback.'

Barry Winston composed 'Love You Are Mine Tonight,' based on 'La Traviata,' with Irving Schachtel and Sam Mingo, for BMI publication.

Harry Warren and Mack Gordon are cleffing tunes for 'Rings On Her Fingers' at 20th-Fox.

Leo Robin and Ralph Rainger started work on music for 'The Great American Broadcast' at 20th-Fox.

Gus Kahn and Branislau Kaper collaborating on songs for 'Go West' at Metro.

Bernie Grossman and Walter Jurman are composing special music for the Loew-Lewin 'Flotsam.'

Mrs. Maria Kramer, owner and operator of the Lincoln and Edison hotels, New York, has been ordered by Local 802 of the American Federation of Musicians to pay between \$3,000-\$3,500 to Gustave Clemente, leader of a relief Latin crew which worked at either one of her spots at various times to spell the name hands on duty. Sum represents 'kickbacks' Clemente swore, in an affidavit, he made to her 'after it was paid off each week. Money is supposed to be repaid within month.

Mrs. Kramer denies the charge. She says that the decision will be appealed to the national body of the AFM. That is permissible. Any ruling made by an AFM local can be taken to the national for final judgment.

Jack Rosenberg, prez of 802, had Mrs. Kramer up before himself and the local's executive board last Thursday (19) for interrogation regarding her alleged practice of taking a percentage of a band's future earnings in return for giving it an opportunity to play at one of her spots. She was accompanied by her secretary, and faced Clemente's charges at the meeting. In addition, 802 summoned Charlie Barnet, Gray Gordon, Jan Savitt, for separate questioning on the matter as it pertained to their bands. Blue Barron, another band leader who figures in the case, delivered his testimony by long distance phone from Indianapolis, where his band is playing. Gordon claims he's in the clear, that Mrs. Kramer has no hold whatever on his band, and so informed the union. He's currently at the Edison hotel.

N. Y. Journal Settles With Disk Promotion Outfit

Suit of Publishers Service Co., Inc., against the N. Y. Evening Journal, Inc., Music You Enjoy, Inc., and John H. Alderton was settled and discontinued yesterday (Tues.) in N. Y. federal court. Action, which claimed plagiarism, sought an injunction, accounting of profits and damages.

Plaintiff in October, 1938, conceived a scheme for distributing symphonic music among the public, and by thus doing increase the circulation of the newspaper sponsoring the drive. 'The N. Y. Post distributed about \$500,000 worth of the symphonies during 1939, and the plaintiff expended \$100,000 in advertising the project. It is asserted that the defendants' scheme, called 'World's Best Loved Great Music,' plagiarizes the plaintiff's idea, called 'World's Greatest Music.' Further, it is charged that Alderton, president of 'Music You Enjoy,' was a salesman for the plaintiff before he joined the defendants' organization.

Johnny Long band heads for a month of theatre and one-nighters when it's replaced at the Roseland Ballroom, New York, Oct. 24 by Joe Venuti.

HOAGY CARMICHAEL'S Latest

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Catholic Group Fights 'Indecency' Of Shows at Brandt's Bronx Theatre

Inspired Catholic action against the Brandt-operated Windsor, Bronx, New York, is beginning to take form via the formation of a committee to protest against alleged indecency. Chief sources of complaint are "Tobacco Road," which played the house twice late this summer for J. J. Leventhal, and Sally Rand, who is current at the Windsor.

Bill Brandt claims that Harold Leddy, Grand Knight of the W. J. Boyd Council, Knights of Columbus, started the opposition against the Windsor. He also heads the committee formed after support had been enlisted from several Catholic clergymen and churches in the Bronx. Leddy wrote Brandt several weeks ago protesting against "Tobacco Road," but the operator didn't hear anything further until a story appeared in the Brooklyn Tablet, Catholic weekly, Saturday (21), regarding the formation of the committee and the "hundreds of letters of protest" that have been sent to the Windsor's management. Brandt denies receiving a single letter aside from Leddy's, also pointing out that the Tablet took no exception to either "Road" or the fan dancer when they played Brooklyn.

A resolution drafted by the committee was sent to Paul Moss, license commissioner of New York. This asked that he revoke the theatre's license. A letter of protest was also sent by Leddy to Borough President Lyons of the Bronx.

Brandt doesn't propose to do anything about the protests. The Windsor's business has been good, he states, indicating that no organized boycott is taking effect.

Former Kid Mimic Wins Divorce

Detroit, Sept. 24. Phyllis Askunas, former kid mimic who toured the vaudeville circuits under the name of Phyllis Ray, finally had her marital difficulties unraveled here. She got a divorce from the man who claimed he wasn't her husband.

Circuit Judge Harry B. Keidan decided a divorce was the simplest solution in the strange case. She testified that last Dec. 28 she separated from Jack W. Householder after he told her that her previous marriage to Maurice Levin in New York still was legal. She had married Householder in 1936, she said, after he had told her that the Levin marriage was void because the latter was married at the time he went through the ceremony with Miss Ray.

Antonio Ruiz and Rosario Perez, "The Little Kids from Seville," premiers in New York at the Sert Room, Waldorf-Astoria, Oct. 9. Eddy Duchin orchestra will play for dinner and supper dancing.

Rainbo Room, Albany, Relights for New Season

Albany, N. Y., Sept. 24. Rainbo Room of New Kenmore Hotel here has reopened for fall-winter season. Terry Shand's orchestra, there for a time last spring, has returned for the bow.

Floor show is being booked by Bob Murphy, who, with brother Harry, conducts Rainbo Room—as well as the hotel.

CBS DROPPING MILW. HOUSE

Columbia Artists, Inc., which took over booking of the Riverside theatre, Milwaukee, four weeks ago, is discontinuing the deal with the show the week of Oct. 4.

Cancellation is by mutual agreement, it having been found inconvenient to book the spot from New York.

•15 YEARS AGO• (FROM VARIETY)

Mickey Walker, after defending his middleweight championship from Dave Shade, journeyed down to Texas Guinan's El Rey Club and won the Charleston contest there.

A film contract for \$10,000 weekly for 80 weeks was reported turned down by Paul Whiteman. He preferred concert.

The Broadway strength of 'Vortex' and 'The Green Hat', both new foreign dramas, were attested to by the respective grosses of over \$10,000 for the first few performances of 'Vortex' and more than \$20,000 for the first week of 'Hat'.

Sidney Blackmer and Lenore Ulric were said to have been made the heirs in Charles L. Wagner's will. Blackmer had been under Wagner's management for several years.

Though the production was a disappointment, George M. Cohan opened in Boston with 'American Born' to one of the most enthusiastic personal welcomes in his career. The Hollis Street theatre premiere had to turn 'em away.

Sophie Tucker romped into the Alhambra, London, and won half a dozen curtain calls for herself and a begot speech at the preem. Soph was doubling into the Kit Kat Club there.

Rio

Continued from page 13

good spots. Sao Paulo, commercial and manufacturing center, and Santos, world's leading coffee town, were stopping spots for the Toscanini and Stokowski orchestras, which only took time available on their boat schedules. Artists or acts traveling by air needn't bother with such restrictions, however.

In Rio, Pernambuco, Fortaleza and many other Brazilian cities there are groups known as the Cultura Artistica which try to arrange concerts and work with artists or traveling companies. Brazil charges a flat 4% on earnings. It also has a neat system of getting royalties. Every musical artist must play at least one Brazilian number on every program. The government must collect the royalty, which comes to 500 millreis (\$25 U. S.). All concerts are also subject to censorship.

Radio is also limited. Brazil, although tieups can be arranged. It should be remembered that whereas all of the rest of South America speaks Spanish, Brazil speaks Portuguese. Also, Rio is in the tropics and takes things far more easily than Argentina.

Chile. The theatre as such is practically non-existent in Santiago, capital of Chile. The 1,400-seat Municipal theatre is just starting a permanent orch. The place is rented to visiting artists. Comedies are devised during the season and operas are occasionally put on. There was a plan for a regular season, but the Popular Front Government nixed it.

Chile, whose money is lowest in value, charges the highest percentage on the earnings of visiting artists. Starts at 5% and runs up to 15. For those on South American round-trips, the jaunt from Argentina to Chile, unless done by air, means a train and bus combo over the Andes. Only other spot in Chile is Valparaiso. Both cities give name artists sellout houses. Chile is currently in a depression, and while appreciation is high, money is low. It therefore must be considered only in conjunction with other countries on a South American round-trip basis.

Other Countries. Certain facts stand out in a review of the other countries of South America. Uruguay, usually a short stopover for Montevideo audiences, has little outside the capital. The 1,400-seat Solis is municipally owned. This house and the 1,600-seat Sodre get most of the visiting talent. The latter has a permanent orchestra but no opera. Uruguay collects authors' rights even if he or she has been dead 100 years. Scribblers are divided into major and minor classes, and the tariff runs from 5-10%.

The Argentine limit runs to 30 years after death. Lima, Peru, another good town, has a municipal theatre with no permanent company and welcomes whatever it can get.

Bogota, Colombia, has a nationally owned Colon theatre which is the center of legit and concert biz. But nothing permanent. Mexico City's Belles Artes theatre is nationally owned, but often rented to visiting stars or groups. Sometimes a season is organized to put on local writers. The State orchestra and other ideas lost so much money that the clamor of the press and public forced a discontinuance.

Unions are little known in the industry in South America. In Buenos Aires the Colon is independent, but there is a group known as the Association of Orchestral Professors which controls most of the orch business.

(Last of a series dealing with show business in South America, particularly as it affects American performers there.)

Haster Vice Nan Elliott. Robert N. Haster replaces Nan Elliott as manager of the Chicago office of Columbia Artists, Inc. Effective this week. He was formerly with CBS in Chicago and St. Louis as a director and producer.

Miss Elliott's plans are indefinite.

RAH-RAH DWIGHT FISKE. Dubbed a "collegiate" Dwight Fiske, James Copp 3d opens to-night (Wednesday) at the Cafe Continental, East 62d street, N. Y.

Formerly with Will Osby's band he sings his own lyrics while accompanying himself on the piano.

Reggie Childs crew shifted to General Amusement Corp. from Consolidated Radio Artists. Signed five-year GAC agreement Sept. 18.

Unit Reviews

MUSIC ON WINGS (NEB. STATE FAIR)

Lincoln, Neb., Sept. 12. Milt Britton's band, The Javelins, Izzy Cervo's Orch., Walkmire Trio, Harold and Lola, White Guard Melody Men, Nirska, Tommy Rafferty, Nine Allen, Earl McVey, Larry Collins, Joe Britton, Chubby Silver, Lillian Cole, Mandel Bros., The Maxellos.

Brought here to provide the grandstand attraction at the Neb. State Fair, "Music on Wings" is called the No. 2 show of the Barnes-Carruthers string of five now playing fairs. It is nipped at about \$10,000 weekly, counting moving, and was practically a steal here because it was played on lay off a week going into Topeka, Kan., and Mike Barnes elected to play for two reasons—to keep the people working, and the unit intact, and to convince the Neb. fair board that good stuff will make a grandstand play.

Barnes won on both counts. Neb. grandstand shows in the past have done well to draw 15,000 people in a full week. "Music on Wings" unit stacked in 30,000 customers in about half the time, four days. Fair has been afraid to risk much money, because every grandstand penny goes to holders of \$250,000 debentures against the structure, but "Music" provides not only a whale of a lot of prestige for the show proper, but will be the means of diminishing the principle.

For the unit, which runs around an hour, the headline-selling attraction is Milt Britton's band. Very familiar to vaudeville, the Britton type of musical mania is new to the fairgrounds, and the blowoff breakage should stitch the ruralists who attend fairs. His act, in which he does very little personally except pose a fiddle over one of the guy's head, features Larry Collins, comedy trombonist; Joe Britton, who specializes in straight-faced "scr. ball" stuff; and Milt Britton, who specializes in straight-faced "scr. ball" stuff, and Milt Britton, who specializes in straight-faced "scr. ball" stuff.

Walker Trio, perch act, is the opener, expertly lighted, and a good novelty. Closes with two females doing a muscle grind in opposite directions atop the swaying pole, resting on Walker's forehead. "Persiana," a production number, centers on Harold and Lola in their snake-charmer dance. Girl, togged as a snake, creates a neat illusion. It's excellent.

The White Guard Melody Men, octet, grab a mouthful of highlight scores from top musical shows such as "Vaudeville King," "Costume" and voice are both above par. Les Javelins, unusual balancers, have a sock turn.

Nirska, like Britton, trying fairs for the first time, offers a butterfly ballet fantasy, which is as classical as Britton's efforts are slapstick. Backed by the linegirls, Nirska's bit, which considerably by the music of Izzy Cervo's band, rated well in acceptability by an audience which probably had never witnessed anything like it before. Britton is the closest number.

Laugh-provoking knockdown acrobatics come from the combined efforts of the Mandel Bros., who work from a trampoline to hand balancing, which easily could be never quite seems to jell. The misses and stumbles are played into continual audience mirth. The Maxellos, on early, are risley workers, three men and two girls. Present setup of the act is new, it having been a male turn in the past. All stunts, though mostly familiar, are smoothly accomplished.

Lillian Cole is an organist and singer, the organ being her best use, and of tremendous value in swelling the musical backing for the show.

The chorus line has 24 girls, captained by Martha Henry, and 12 boys headed by Pat Anthony. Girls are all fancy lookers, and the garb is very effective under the lights. In the singing buildup, on the production numbers, Nina Allen and Earl McVey lend the voices. Emcee is Jack Klein. Produced by Ainsley Lamber.

Show would be hard to squeeze into any other than major theatres, and other than fairs, would probably have to play big coliseums or stadiums. It's a class A production, best of any kind have played hereabouts in 15 years.

TATTLE-TALES (ORIENTAL, CHICAGO)

Chicago, Sept. 12. Bob Freeman, Lee Trent, Lee Murray, Joyce Eimer, Edith Wilson, Darlene, David Durand, Jennings Dunc, House Line, Mary Carlisle, "Ladies Must Live" (WB).

There hasn't been anything as miserably poor in the memory of this reviewer as this show. It is unsuitable even for the smallest of the old Cushman time.

Jack Laughlin brought this thing

in from the Coast, and in the show are two acts which haven't been seen around these parts in years. There is Lee Murray, who does a drunk dance on a large set of stairs, and the act still fails to mean anything at all, though Murray manages to wake the people up a little with his Russian dancing on the steps at the close of the act. Joyce Eimer hasn't been around this town in some time with her acrobatic work. Little fille that is about the best in the show.

Jennings dance team has a little idea of quiet satire of various types of ballroom dance routines, but don't fulfill their potential. David Durand is a male singer who has little to offer. Lee Trent is a tall matinee idol type who tries some comedy monolog which he doesn't know how to sell. Darlene is a little dancer who might do better under different circumstances, but who's hampered by the general air of futility. Bob Freeman, comic, works in several miserable little blackouts, all of which are strictly blue and none of which manages to raise even a snicker. Edith Wilson is a colored singer who scored best of the show in a number which is strictly about how to treat a man, passable variety.

Music is evidently original, and hopelessly ineffective. There are a flock of drops, but most of them are too small for this stage and the crew had difficulty masking them in. The line consists of eight girls, and it will be years before they'll know how to dance. The numbers are beyond description for complete drabness.

Added to the show is Mary Carlisle, and she fits into the show perfectly, for she can do nothing on the stage. She has some talk with Trent and it is one continuous snore for the audience. It's one of those old-time personal appearances of a film player in which nothing happens, and both the audience and the performer are happy when it's all over.

Business wasn't so good at the supper show Friday (6). Gold.

Saranac Lake

By Happy Benway

Saranac, N. Y., Sept. 24. Margie Regan, sports promoter Jimmy Johnston's ex-secretary, was milted and bedsided by Bob Pastor and his frau.

Jim Williams, who did the trick up here years ago, motored in his frau from Astoria for an overhaul and checkup. He is okay.

The Pixie Sisters (Hazel Smith and Joy Navarre) have both received good notices from the critics. Lawrence Navarre, who is connected with the Plymouth hotel, N. Y., motored in to see his frau, Joy.

Marie Froom, ozoner at the Rogers, has received so many good reports that she is wending a path to her New York City home. Ditto for Kitty Horan, who is now able to master six hours a day at the telephone switchboard at the Rogers.

Flashes of the Color: Mrs. William (Mother) Morris and Ruth Morris White registering at the local showshop for bank-night; Dick Willis, local m. c., signing up with the U. S. flying corps and handing his last fiver to the Red Cross; Harry (Stuart) Martin, who has had three weeks at the Will Rogers, passed another natal day. Harry was greeted by Ben Schaffer, who has spent 18 natal days in the same sanatorium.

Tommy Campbell, who was a connection with Fay's, Philadelphia, took three months to lick this thing. John Eaton was o.o.'ed by his Ma and Pa.

Sam Hine is a new arrival at the Will Rogers, while his wife, Jean, is ozoning at the Northwoods Sanatorium. Remembered by Wallace? Well, why not send Wallace a little cheerful letter at the Will Rogers. He needs cheer.

Write to those who are ill.

Clifford's Own Nitery. Miami Beach, Sept. 24.

Pete Clifford's will be the name of the old Polo Club here, after the m.c. who heads new ownership management of the spot.

He's formerly of the 3 Racket-cheers, but has been soloing hereabouts, and now, in anticipation of the winter season, has piece of his own cafe.

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Cleve. Gambling Joints The Answer To Why Nitery Biz Is In Dumps

Cleveland, Sept. 24.

Dr. Gallup hasn't yet framed a poll for this question—'What's happened to the well-heeled suckers who used to support downtown nitery and where are they going now?'—but a possible answer was found in some surprising facts revealed by the Cuyahoga County grand jury's current investigation of gambling joints in Northern Ohio.

Jury investigator who spent several weeks secretly clocking attendance at the big four on the outskirts of Cleveland, the Ohio Villa, Arrow, Thomas and Harvard clubs, reported that all of them pulled a total average of 40,000 chumps into their dice and keno wickets weekly. Business for this season, some operators frankly admitted to him, has boomed over all of the last five years' figures, although legit niteries are not getting any of it.

Gold rush is partly attributed to the tempting fact that the four palatial casinos, besides offering the biggest floor shows in this section, recently sweetened the come-on by upping keno prizes to a total of more than \$6,000 daily. Hike was made to kill off the small-time city bingo parlors and keno cafes. None of them can attempt to equal such extravagant giveaway prizes.

Owners of the 'big four' make no bones about the protected gambling activities, which are burning up the newspapers, grand jury and blue-noses who haven't yet found any way of stopping them. They openly advertise prizes and name-stars in suburban sheets, besides offering free bus service to the suckers as sugar. Whether keno results in profit or loss is also an indifferent point, being regarded as chicken-feed compared to the huge take from table-games.

Ohio Villa, which has been booking such names as Gertrude Niesen, Lou Holtz, Peter Higgins and George Jessel, latter for Oct. 2, has \$10,000 in keno prizes nightly. Harvard Club dithoes a bigger giveaway of \$2,100 in Thomas Club's form of bathybon, but the Arrow Club paces the field by letting the chumps win \$2,250 daily on the corn game.

Seattle Nit Life Up

Seattle, Sept. 24.

With expected wave of more spending money, as employment gains at shipping yards and aviation factories, nightlife is picking up in these parts. Latest to open—or resume operations—with a floor show and band is The Ranch, for a dozen years operated by Wanda Owen and the late Orrin Owen, as leading theatre-cape in entire northwest.

Spot reopened Thursday night (19), George Cook and Otto Wrobes operating. Bob Whitson's band and floor show are current.

China Phrasant, south of town, with Abe Brashen orch, is another new dine and dance spot.

CONCERT NAMES SET BY MIAMI HOTEL

Oscar T. Johnson, head of the Hollywood Beach Hotel, Hollywood, Fla., returns to Dixie this week after setting his shows with Jack Bertell of Columbia Concerts Corp. Milton Douglas will again run the hostelry's Bambo Room, and the season opens Dec. 15 with Lawrence Tibbett. Thereafter a sequence of special Sunday night concert attractions will include Helen Jepson, Jose Burbi, Viravi, Gray and Braggiotti, and Alec Templeton, in that sequence. Templeton is virtually set, by arrangement with MCA, but not officially johnhenried.

Eddy Oliver's band is set for the season.

Harry Delmar's Chore

The Buffalo Athletic Club, in association with the Buffalo Broadcasting Corp. (WKBW, WGR), CBS affiliate, will sponsor a charity revue for the Red Cross Nov. 8 and 9 at the Erlanger theatre, Buffalo. Harry Delmar will produce and the show will include some original numbers by him.

Show, which is to have an all-Buffalo, non-pro cast, is being supervised by Herbert Rice, Buffalo Broadcasting exec.

Cafe Society's Downtown Show Into Uptown Branch

Cafe Society Downtown is changing its show in toto Oct. 1. Albert Ammons and Pete Johnson, 'Boogie Woogie' boys at this spot for 22 consecutive months; Hazel Scott, in same place 11 months; Golden Gate quartet, with a nine-month record; and Teddy Wilson's orch shift to Cafe Society Uptown, opening after a week's rest on Oct. 8.

New show beginning Oct. 1 at the Downtown includes Sister Rosetta Tharpe, spiritual singer-guitarist; Art Tatum, swing pianist; Billie Holiday, blues singer; Meade Lou Lewis, boogie-woogie pianist, and Joe Sullivan's mixed band. Sullivan, white leader with an all-Negro band, was at Cafe Society for nine months ending last June 1.

PITT'S VAUDE NOW 'N' THEN

Pittsburgh, Sept. 24.

Looks like a strictly old again-on again presentation policy for Stanley WB deluxer, this season. After reopening last week with Mickey Rooney, and breaking all-time house record at better than \$36,000, following more than three vaudeless months, house is back to straight pick again for at least a month, with next show set being condensed George White 'Scandals' Oct. 18.

Harry Kalmine, zone manager for WB here, says he has enough good film product on hand to spread out over Stanley and Penn, which operate under a Loew-Warner pooling agreement, and that he'll book only the top vaude, radio, screen and band names. If they're not available, he'll settle for films only, he says.

Rooney's biz is still talk of town, considering fact that he beat Kay Kyser's previous high by more than a grand, while at the same time playing to twice as many juve-admissions as Kyser did. Traffic jam over weekend was worse here in years, and police officials laid it to Rooney's Stanley appearance.

Dance Instructors Nix Nijinsky and Mixing At Convention In Pitt

Dancing Masters of America, independent organization claiming a membership of 1,800 dance instructors, is opposing the proposal of other dance teacher groups to bring Nijinsky to the U. S. Organization has also taken a stand against enforced 'mixing' by dancers in night clubs. Both moves were taken at the DMO's convention in Pittsburgh. Opposition against the purported plan to bring Nijinsky to America is on the ground that the dancer, for some years a patient in a Swiss mental sanitarium, could not be helped by treatment in this country. DMO resolution on the subject asserts that 'dancing will best be served by discouraging any exploitation of his plight.' Resolution refers to Nijinsky 'the greatest male dancer of all times.'

Resolution against 'mixing' declares that enforced mixing and drinking with customers threatens the health of dancers and 'degrading' to those who have spent years training for their profession. It condemns the practice and calls on the American Federation of Labor and the American Guild of Variety Artists to take steps to help halt it.

N. Y. VERSAILLES SETS JANE FROMAN, PARKER

Jane Froman and Frank Parker will be New York-debut cake attractions at the Versailles this season. Miss Froman opens Nov. 14 for two and possibly three weeks. Parker comes in Dec. 5.

Jack Bartell of CBS agented.

Weston's \$4,821 Tax Lien

St. Louis, Sept. 24.

An income tax lien of \$4,821 against Clyde A. Weston, ousted business representative of IATSE, Local No. 143, who was convicted on 11 counts of violating the Racketeering Act, was filed in the U. S. district court here last week by the Collector of Internal Revenue. The lien is based on deficiency assessments for the years of 1935, 1936 and 1937.

Weston testified during the trial that he was business agent for Local No. 143 until November 13, 1935, when he went to Los Angeles as an international representative of the union and returned the following February.

Settles With ASCAP As

Van Loads Furnishings On Saturday Afternoon

Milwaukee, Sept. 24.

When Sam Pick, veteran operator of the Club Madrid, swankiest roadhouse in this area, refused to pay all of a \$760 judgment obtained by the American Society of Composers, Authors and Publishers in behalf of Irving Berlin, Inc. for copyright infringement, Robert A. Hess, ASCAP's legal rep, obtained an order of execution. Federal Deputy United States Marshals William J. McCormick and Joseph Blazewski drove out to the Blue Mound road nitery with an eight-ton moving van and began loading chairs, tables, bar stools and other paraphernalia.

It was Saturday afternoon, with a big weekend business in prospect. Pick put in a rush call for Hess, settlement was made, and now it's business as usual.

SUNDAY BANDSHOWS

OK IN NEW HAVEN

New Haven, Sept. 24.

Band-vauze is doing healthy one-day biz here at the Arena Sundays. Opening a fall series Sept. 15 with Jack Teagarden and seven acts to nice houses at both mat and night shows, boxoffice held up again last Sunday (22) with Ella Fitzgerald band, plus a stage show headed by Beverly Roberts. Harry James' is set for Sept. 29.

Arena is a 6,000-seat auditorium that houses hockey during the season. Vaude series is run in spring and fall. Nate Podoloff heads operation of the Arena and shows are booked by Jimmie Evans.

Town will have additional vaude starting Sat. (28) when Bijou, downtown subsequent runner, brings back one-day shows. Spot is slated to expand to two or three days, when Arena eight-week series folds.

Pitt Nixon Wants Reyeses To Front Rhumba Orch

Pittsburgh, Sept. 24.

Rhumba team of Raur and Eva Reyes is being sought by the Cafe management to return shortly for indefinite stay at the head of their own rhumba band. Nixon has recently gone in for alternating orchs and wants Reyeses couple, who recently completed month's run, to polish off the conga rhythms and also double in floorshow.

Team hasn't yet made up its mind, but it's said to be considering the proposition favorably. They close at the Beachcomber in New York this weekend and then go to Slatler hotel in Detroit for three weeks with Xavier Cugat, after which they're free to accept Nixon offer or turn it down.

Letout of Buff. Pic

Orch Stirs Comment

Buffalo, Sept. 24.

Elimination of the Shea's Buffalo pit orch and guest maestro beginning this week, after 14 years of the same policy at the house, has stirred up comment among local theatregoers and in the vox pop columns of the newspapers.

Vincent R. McFaul, general manager of the Shea chain, announced that the discontinuance was temporary. He stated that the Buffalo will feature an average of two stage shows each month in the immediate future, and the many members of the present pit group will be utilized in conjunction with some of the stage productions.

Kelly Back As Chief of Philly AGVA, Nat'l Bd. Placing Him on 'Probation'; N. Y. Local's Resolution Bans Reds

Akron Nitery Manager

A Suicide by Poison

Akron, Sept. 24.

Jack Levin, 30, manager of the Wagon Wheel night club here, died in St. Thomas hospital here after he was found ill in his car. He told deputy sheriffs that he had swallowed 10 poison tablets, adding that he had been worried over prolonged ill health.

Levin, a native of Seattle, Wash., and a former baseball player at Leeland Stanford university, lived with his parents here. His uncle, Joseph Levin, owns the night club.

RKO MULLS N.Y. VAUDE IN NABES

RKO is mulling the idea of re-summing vaude in some of its New York nabes, but strictly on last halves as a break in the dual pick diet.

John J. O'Connor, operating head of RKO theatres, stated Monday (23) that the idea is still 'speculative' and not concrete. He stated that this type of operation, in effect Boston and Syracuse, is not very profitable but at least helps pay the rent.

O'Connor pointed to a couple of drawbacks. One of these, he said, is the lack of talent. Another is the fact that the stage equipment of many of the RKO houses has gone to seed because of disuse.

Brighton Beach Spot

Reverts to Vaude On

Contingent Legit Basis

Brighton Beach theatre, on the ocean front in Brooklyn, reverts to vaude for two weeks starting Sept. 30 with a bill topped by Henny Youngman and Smith and Dale. Arthur Klein, who booked Shubert vaude in the old days, has set the Brighton show out of Harry Besty's office. House is operated by A. Edward Goldberg, who is playing the vaude in between traveling legit.

The vaude show is being framed into a revue titled 'Broadway Revels' and will play sans film.

The Brighton years ago was one of the big-time houses booked by the Keith office, operating only during the summer. Of late years, however, the resort has grown into a year-round residential neighborhood due to the construction of many apartment buildings.

Whether the house will play vaude beyond the set two weeks depends on the legit bookings. If not enough of the latter are available, it's presumed Goldberg will continue spacing them out with variety shows. There's no vaude in the Brighton vicinity.

PROSER GROUP BUYS

MIAMI ROADSIDE REST

Miami, Sept. 24.

Negotiations were completed last week for purchase of Roadside Rest from Leon Shore by combine including Gaines Bros., operators of Dempsey-Vanderbilt, Monte Proser, Walter Batchelor and Carl Erbe.

Spot, which did fadeout last season, was patterned after Shore's Long Island establishment of the same name. Under new owners it will be tagged Beachcomber and virtually rebuilt. Plans call for huge patio seating 700 and indoor cocktail lounge accommodating 300, making it Miami's largest nitery.

Rotating name band policy will be followed in patio, with rhumba crew holding forth in lounge.

Hildgarde Halliday, monologist recently at the Rainbow Room, N. Y., goes to Spivy's Roof, N. Y., tonight (Wednesday).

Tom Kelly, executive secretary of the Philadelphia local of the American Guild of Variety Artists, who was ousted Aug. 20 by Hoyt Haddock, national executive secretary, was reinstated Monday (23) for a 'probationary period' by AGVA's national board meeting in New York. The vote was unanimous after it was made clear that the essence of the board's decision was: Kelly should have been fired, but that Haddock's method was wrong.

This puts a quietus on what threatened to become another cause celebre within AGVA, especially in consideration of the stormy Philly local membership meeting last Tuesday (17) which endorsed Kelly and insisted upon his reinstatement. Threats were made that the Philly local would secede from AGVA if Kelly was not reinstated.

As a sop to Haddock, the national board, after reinstating Kelly, gave a vote of confidence to the national executive secretary. Kelly then made a speech to the board, claiming that the Philly local would be a credit to AGVA henceforth. There's no time limit on his probationary period, but it's presumed he must prove himself satisfactory within three or four months.

With Kelly back at the helm in Philadelphia, Lee Travers, whom Haddock appointed both national representative and executive secretary in Kelly's place, will be sent out of town as national representative. He'll either go to New England or else into the Southwest.

Kelly was fired by Haddock despite the fact that the Philly local board had voted to retain him. The opposition to this, as well as to Travers, was immediate and, in a couple of instances, violent.

N. Y. Local Bans Communists

Another important move within AGVA was made late Monday night at the membership meeting of the N. Y. local at the Edison hotel. Ostensibly called to nominate new officers for the N. Y. branch, the meeting was jolted by Ben Haskell, m.c., who asked for a suspension of the rules so that he could introduce a resolution which would bar those members of subversive groups from being or becoming members of AGVA—holding official or paid positions with the union.

The resolution was aimed chiefly at some alleged communist members and officers of AGVA. Phil Irving, N. Y. local executive secretary, and Michael Lewis, member of the N. Y. local board, both of whom have been accused of being Reds, opposed the resolution, but only on the grounds that it was out of order. They were voted down, however, and the resolution was passed by a wide majority of the 100-odd who were at the meeting.

While the resolution right now refers strictly to the N. Y. local, it is expected that the national board will adopt a similar one for the national organization at its next meeting next Monday (30).

Board of 21 Upped to 31

At the N. Y. local meeting to nominate officers and board for the ensuing year it was decided to increase the board, now numbering 21, to 31, including the officers. Added nominations may be made by petition.

Those proposed for officers are Jimmy Hollywood (Radio Rogues) and Peter Wells for president; Elton Rich, Dave Fox and Consuelo Flomerton, first vice-president; Henry Youngman and Romeo Vincent, second v.p.; Hazel Scott and Janet Reynolds, third v.p.; Syd Chatton, fourth v.p.; Eddie Bartell and Jack Gifford, fifth v.p.; Charles Arno and Sid Marion, recording secretary, and Sam Kramer and Hal Sherman, treasurer.

Nominees for the board are Helen Sanford, Alvin Padgett, Ben Haskell, Nate Ward, Billy Revel, Don Leo, Hattie Reavis, Edith Delaney, Jay Seiler, Moya Gifford, Constantin Tarrant, Carol Murphy, Billy McGowan, Elizabeth Savage, Ruth Rocco, Charles Ali, Nicko (Grace and), David Seon, John Nathan, Victor Rocco, Charley, Thelma Flowers, Tyler Carpenter, Mae Judels, Lorraine Kent, Diane del Rio, Winnie Gfay, Mack Pearson and Jenn Rochelle.

BY SAM X. HURST

The action shifts to the disastrous tornado in 1896 which took several hundred lives, made more vivid by an airplane fan blowing clouds of dust and toppling over a paper map building. Afterwards the scene shifts back to the World's Fair, where the Christians are back for another

20TH CENTURY, BUFF

Buffalo, Sept. 20.

House at supper show opening day (20) was thin. *Burton.*

Program winds up with the three blonde Winter Sisters in some daring acrobatics. The tumbling is well executed and builds up to a climax with some full twisters and one or two half twisters that scored heavily.

ADAMS, NEWARK

Newark, N. J., Sept. 21
Joe Penner with Dick Ryan a
Joe Devling, Willie West and M
Ginty (4). Sara Ann McCabe, t
and Bernice Maison, Four Hollwa
Blondes, Joe Fecher's House Or
'Money, and the Women' (WB)

um results this week in passi

up temporarily its previous policy of having a name band on bill, although all five acts do fairly well. Navarorch on stage seems to lend class to shows, and his house is the best in town. Joe Pennino gets marquee ratings before radio and the flickers carry him to Newark fixture back in boom days before radio and the flickers carry him to top. The pattern of his offering remains unchanged—some two-way gags, a couple of con songs and an instant sketch. The songs and the sketch are o.k. But Pennino and Joe Devling are straight and latter, as hard-boiled waiters does the most work. Comedian gags

FLA. TRIBUNE, B'KLYN

Edward Dornan, Orch. with Hele

Bailly has little trouble setting his impersonations. He's been around for some time and seems to have enlarged his repertoire. Some of them here. Starting with Fred Allen and his "I'm going to handle the intros of the other guys which include Edward G. Robinson; good; Ned Sparks, ditto; Bing Crosby; good; and, of course, so-so, the rest. Beery, Charles Boyer, E. Broderick, Henry Armetta, Joe E. Brown, Donald Duck, Jimmy Durante, Edgar G. Carter, all consistently accurate. The good and named impersonators on a n.g.s. side are Ronald Colman, Benny, Ted Lewis and Harry R. The man, but got solid returns.

There have been a lot of comedians here also been around. Both pretty active with taps and mind up to include gags and a bit of x-ray photo pointing by one of the comedians also doing a Stephen Ward takeoff at the outset. Wood

While the comic has new stuff of his own, he has neglected to find a new gag for mom (Susannah) and something should be done about that. They called Berle back after 10 years and gave him a version of 'Six Lessons' and another medley. In other words, he's still the same old man. VARIETY's music columnist is a woman.

THE CHURCH

Dancing turn of Lewis and V open the specialty portion with sa flying taps. Work on the small str is effective and they finish str with a rousing fast challenge t sent them over solidly with the tomers. Joey May and his fema fol have some crossfire that oc sionally ignites into some laughs. Biz okay last show Friday. (20

ROXY, N. Y.

Funeral of Speaker of the House William Bankhead in Jasper, Ala. receives pictorial notation from Universal. Lone disaster recalled this side of the Atlantic is the fire which recently swept a cotton plant in Baltimore (M-G). Ode

Variety Bills

THIS WEEK (Sept. 20)
NEXT WEEK (Sept. 27)

Numerals in connection with bills below indicate opening day of show, whether full or split week

Loew

NEW YORK CITY
State (28)
Mickey Rooney
Judy Starr
4 Lazzarus
Jack Beckman
Robinson & Martin
WASHINGTON
Capitol (27)

CHICAGO
Rhythm Rockers
Larry Adler
Cory Gault
Pearl Robins
3 Swifts
WATERBURY
Fall (1-3)
Geo-White-Scandals

Paramount

NEW YORK CITY
Paramount (25)
Jan Savitt
Andrews Sie
Jerry Lester
Al Norman
Lester Oman
CEDAR RAPIDS
Paramount (27-28)
Blue Barron
Stumpy & Stumpy
3 Arnolds
Catherine Westfield

CHICAGO
State Lake (27)
W. & E. Ehen
Burr Cook
Siderly Miller
Capitol (1-3)
Blue Barron
Stumpy & Stumpy
3 Arnolds
Catherine Westfield
Ophium (27)
Laurel & Hardy U

RKO

BOSTON
Roxbury (26-29)
3 Winters
Pastor & Olette
Major Bowser
1 (13)
Jack Taggart
Diamond Bros
Vic Hyde
Dick Atkinson
CLEVELAND
Palace (27)
Ken Murray Rev

CHICAGO
Guy Lombardo
Val Setz
Major Bowser
1 (13)
Colonel (27)
Ball Ball
Blackstone
SYRACUSE
Strand (27)
Fonzella

Warner

NEW YORK CITY
Mundy Hall (28)
Boris & Norwood
Comedy Harmonists
Dick Day & D
Ivan Triesault
Nicholas Daks
Louise Forman
Marie Grimaldi
Selma Kaye
Rockets
Corps de Ballet
Rex Rose Symph
Buxy (27)
Harris Wood
Louisa Dana
Bian Cavanaugh
Dennis Hall
Pauli Ann Ore
Rivers (28)
Ann Dupont
Bob Howard
Freddy Dean
Joey Rardin
Wilder (28)
Jimmy Dorsey Ore
Marc Ballero
Chuck & Chickies
Audrey Corley
BROOKLYN
Flatback (28)
Cab Calloway Ore
3 Vocalists
Cotton Club Boys
Avis Andrews
BALTIMORE
Middopdore (27)
Carlton Runny Ore
June Forrest
Don Murphy
Dolores Dore
Royalties
Brown & Lee
(One to fill)
Della & Del Rio
Phil Gordon
Smari Segal
(26-28)

CHICAGO
Isabel Jewell
Gene Manners
READING
Astor (27-28)
Bob Chester Ore
WATERBURY
Kurt (27)
Glenn Miller Ore
Barry Breen Ore
Roy Davis
Patterson (29)
John Forrest
Joe Harrison
Joe Hall
Dolores Dana
Sunny Rice

Independent

NEW YORK CITY
Hudson Wonders
Masters & Rollins
3 Redingtons
Pat Clayton
ELIZABETH
Liberty (27-29)
Beebe & Rubart
Roy Rogers
Shirley Lillian
Elizabeth Canine
(One to fill)
Herman
Freepost (25)
B & E Hersey
Fisher & White
Patterson (28)
Pauli Ann Ore
Rivers (28)
Ann Dupont
Bob Howard
Freddy Dean
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Cabaret Bills

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Hotel Belmont
Eddie Lane Ore
Hotel Edison
Great Gordon Ore
Hotel Essex House
Al Kavelin Ore
Marlyn Singer
Hotel Homestead
(New Garden)
1 Dudes
J. Anderson
Ben Isaacson
Hotel Lexington
Ray McKinney Ore
Hotel Lincoln
Will Hudson Ore
Peggy McCall
Hotel McAlpin
J. McCarroll
Jeanne D'Arcy
Hotel New Yorker
Woody Herman Ore
Della
Edwina Blades
Alfred Trenkler
Lulu Hatcher
Edith Dushman
Roberta & Farley
Helen MacLean
Margaret Richmond
Hotel Park Central
(Consent Grove)
Buddy Clarke Ore
Jack Waldron
Burr Cook
3 Nightingales
Frank
Eleanor Wood
Robert Roberts
Hotel Pennsylvania
Russ Morgan Ore
Carly Kaye
Paul Roberts
Johnny Johnson
Hotel Savoy-Plaza
Emile Pettit Ore
Hillgard
Golden State 4
Albert Ammons
Chateau Moderne
Maurice Shaw Ore
Irving Harnish
Harold Willard
Harry Donnelly
Bernie Grauser
Bertie Derby
Edith Hawk
Evelyn Wilson
Lorraine Lloyd
Terry Carroll
Cafe Brano
Harold Hauser Ore
Betty Bryant
3 Nightingales
Cafe Loyal
Roy George Ore
Cafe Pierre
Bob Knight Ore
Mimi Mont
Cafe Society
Joe Sullivan Ore
Billie Holiday
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CHICAGO
State Lake (27)
W. & E. Ehen
Burr Cook
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Capitol (1-3)
Blue Barron
Stumpy & Stumpy
3 Arnolds
Catherine Westfield
Ophium (27)
Laurel & Hardy U

LOS ANGELES

NEW YORK CITY
Hotel Belmont
Eddie Lane Ore
Hotel Edison
Great Gordon Ore
Hotel Essex House
Al Kavelin Ore
Marlyn Singer
Hotel Homestead
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1 Dudes
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PITTSBURGH

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PHILADELPHIA

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CLEVELAND

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Harold Willard
Harry Donnelly
Bernie Grauser
Bertie Derby
Edith Hawk
Evelyn Wilson
Lorraine Lloyd
Terry Carroll
Cafe Brano
Harold Hauser Ore
Betty Bryant
3 Nightingales
Cafe Loyal
Roy George Ore
Cafe Pierre
Bob Knight Ore
Mimi Mont
Cafe Society
Joe Sullivan Ore
Billie Holiday
Golden State 4
Albert Ammons
Chateau Moderne
Maurice Shaw Ore
Irving Harnish
Harold Willard
Harry Donnelly
Bernie Grauser
Bertie Derby
Edith Hawk
Evelyn Wilson
Lorraine Lloyd
Terry Carroll

DETROIT

NEW YORK CITY
Hotel Belmont
Eddie Lane Ore
Hotel Edison
Great Gordon Ore
Hotel Essex House
Al Kavelin Ore
Marlyn Singer
Hotel Homestead
(New Garden)
1 Dudes
J. Anderson
Ben Isaacson
Hotel Lexington
Ray McKinney Ore
Hotel Lincoln
Will Hudson Ore
Peggy McCall
Hotel McAlpin
J. McCarroll
Jeanne D'Arcy
Hotel New Yorker
Woody Herman Ore
Della
Edwina Blades
Alfred Trenkler
Lulu Hatcher
Edith Dushman
Roberta & Farley
Helen MacLean
Margaret Richmond
Hotel Park Central
(Consent Grove)
Buddy Clarke Ore
Jack Waldron
Burr Cook
3 Nightingales
Frank
Eleanor Wood
Robert Roberts
Hotel Pennsylvania
Russ Morgan Ore
Carly Kaye
Paul Roberts
Johnny Johnson
Hotel Savoy-Plaza
Emile Pettit Ore
Hillgard
Golden State 4
Albert Ammons
Chateau Moderne
Maurice Shaw Ore
Irving Harnish
Harold Willard
Harry Donnelly
Bernie Grauser
Bertie Derby
Edith Hawk
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Harold Willard
Harry Donnelly
Bernie Grauser
Bertie Derby
Edith Hawk
Evelyn Wilson
Lorraine Lloyd
Terry Carroll

CHICAGO
State Lake (27)
W. & E. Ehen
Burr Cook
Siderly Miller
Capitol (1-3)
Blue Barron
Stumpy & Stumpy
3 Arnolds
Catherine Westfield
Ophium (27)
Laurel & Hardy U

CHICAGO
State Lake (27)
W. & E. Ehen
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Ophium (27)
Laurel & Hardy U

Equity Council Nixes Managerial Plea Against Minimum Salary Tilt

Broadway producers formally appealed to Equity's council for reconsideration of the move which would raise the minimum salary in legit from \$40 to \$50. Council rejected the managerial proposal, which came from the League of New York Theatres. Latter's viewpoint is that while most showmen accept the tilt without serious objection, newer managers with shorter bankrolls might be affected and fewer productions made.

Showmen generally see no increase in the cast payrolls, revealing that it is the actors who will defray the tilt, those in somewhat higher brackets doubtlessly getting less than heretofore. Some of Equity's leaders concur in that idea, but the rank and files are known to favor the higher minimum.

If there is reconsideration of the increase it will probably not come until the end of the new season. By that time it will have been established whether the volume of production was reduced because of the added pay. Curious feature of the tilt is that it was fostered by two elderly members who rarely secure stage engagements.

What percentage of the council favored the raise is not clearly known. Resolution was adopted by a majority, but no one present called for a roll call and the exact number of ayes was not recorded in the minutes. Junior members as well as seniors will get at least the new minimum, although the former cannot vote at meetings. Rules are that juniors must appear for two years or play 52 weeks before being eligible for senior rating. Previously juniors got a minimum of \$25 weekly, but seniors agreed that managers favored engaging such people. To eliminate possible discrimination, one minimum was agreed upon.

When the council raised the pay it immediately jumped the initiation fee from \$50 to \$100. That entrance rate will become effective Dec. 1, at which time the \$50 minimum starts. Contracts made up to that date come under the present \$40 pay. No new members will be admitted under the old initiation fee requirements unless they secure engagements. Reasons for upping the admission fee is to prevent outsiders from joining, it being assumed that such persons would be lured by the higher pay.

'LADIES' TEES OFF PITT LEGIT SEASON OCT. 14

Pittsburgh, Sept. 24. Legit season here has finally grabbed off a starting date, week of Oct. 14, when Theatre Guild brings Flora Robson to Nixon in 'Ladies in Retirement' under subscription auspices. That's the latest getaway in years here, house invariably unshuttering around middle of September. Entire outlook for 1940-41 isn't so bright, with about 16 weeks all that's in sight against 25 last year.

Nixon gets two subscription offerings in a row, 'Time of Your Life' following 'Ladies'. After that, next thing definitely set is Lunts' 'There Shall Be No Night', Nov. 11, booking of 'Too Many Girls' for previous week having been yanked.

Shuberts Face Agency Law in Suit vs. Team

Suit of Select Theatre Corp. against Maude Davis and Nan Rae, which started out as a proscic court action to prevent the team from slipping out of a contract, has developed into an uncomfortable situation for the Shuberts. N. Y. supreme court Justice Aaron Steuer Monday (23) reserved decision on an application of the team to dismiss the action, and the decision of the court may have a far-reaching effect on all future contracts.

Emil K. Ellis, attorney for the team, claims that Shuberts are violating the employment agency law, which prohibits persons or firms from acting as agents without a license and limits commissions to 5%.

Harris' 'Lady' in Work Via Short, Moss Hart

Production of 'Lady in the Dark', Sam H. Harris' second production this season, has been started with Hassard Short in charge of that department. The Moss Hart play with a score by Kurt Weill and lyrics by Ira Gershwin is essentially drama, but there is to be plenty of music and a chorus will be used.

Gertrude Lawrence is to be starred, but the exact date when she will complete her current tour in 'Skylark' is not set. However, because of technical requirements, the production has been placed in work. Show is expected to reach the boards in November or early December, probably to be berthed at the Music Box, although 'The Man Who Came to Dinner' came back so strongly that attendance approached capacity again.

Hart will direct 'Lady.'

Cult Rents B'way Theatre; Wants Actors On Cuff

A religious cult called the Royal Fraternity of Master Metaphysicians has announced the three year rental of the Adelphi, N. Y. Theatre on west 54th street was originally called the Craig and never housed a hit, with the exception of Federal Theatre Project's 'One Third of a Nation' and 'It Can't Happen Here.' The WPA attractions, however, while making a stay of it, were low admission shows and operating costs were paid by the Government.

Cult is headed by Dr. James B. Schafer, who is called the Messenger by his 2,500 followers, devotees of communication with the deceased. Theatre, which was rented for \$25,000 annually, will be called Radiant Center, where offices will be established and plays are to be given under the direction of Alexander Markey, who similarly staged plays at the cult's Long Island quarters, formerly the \$2,500,000 Idle Hour estate of William K. Vanderbilt located at Oakdale. Dr. Schafer's group purchased it about two years ago and renamed it Peace Haven.

Plays are supposed to be acted by professionals, but those who have appeared at Peace Haven are said not to have been members of Equity. Players are not to be compensated, Markey being quoted as saying the companies are made up of actors 'free of commercial taint and the blighting influence of greed.' Tickets are supposed to be limited to metaphysicians.

Subject matter of the plays will be metaphysical, while Dr. Schafer says: 'The basic teachings in the new testament, given a modern touch, can be dramatized. It is easier to teach a person by drama than by precepts... everything in our theatre will be done professionally, but not for profit.' Radiant Center will include scenic shops and playwrighting courses. Evidently critics will be barred.

Cult has been holding lectures Sunday mornings at the Ziegfeld theatre, those attending being evidently wealthy.

MISS CROTHERS' BILLING STALLS CARROLL PLAY

Fate of John Golden's production of the new Paul Vincent Carroll play, 'The Old Foolishness,' is said to be uncertain, due to a tangle over authorship credits. Script was doctored by Rachel Crothers, who is reported insisting on program billing as collaborator. Carroll, who wrote the original script but was unable to make satisfactory revisions, is understood to be holding out for sole authorship credit.

Until the disagreement can be settled, Golden is unable to go ahead with production.

VISITS MRS. ALDRICH Gertrude Lawrence Has Seen Hubby Little Since Wedding

Wichita, Kas., Sept. 20. Richard Aldrich joined his wife, Gertrude Lawrence, here last Thursday. Miss Lawrence was in 'Skylark' at Arcadia theatre, (taking more than \$2,000 at \$2.50 top, according to William Floto). Miss Lawrence had only seen husband three days since their marriage July 4.

BANKS PUT N. Y. LEGIT HOUSES ON MARKET

With Broadway legit theatres, which had been under lease, again thrown back into the hands of the banks, the latter are offering the houses to other showmen for rental or sale. Bowery savings bank, which appears to be carrying the mortgages on more theatres than any other financial institution, recently propositioned an active showman to operate two of its holdings. Bank is principally interested in getting taxes and interest at this time. Houses mentioned are the New Yorker, 54th street west of Broadway, and the Ambassador, 49th street.

An ad offering the latter property for rent or sale was inserted in the dailies. In show circles those interested in theatre properties are again eyeing those just north of 53rd street, as reported some time ago. New Yorker in particular is being considered, now that the Ninth avenue elevated structure is to be razed, along with a spur on 53rd street that is still standing. When latter obstruction is removed, it is expected that a building boom will start and a number of apartment houses erected on that thoroughfare, thereby enhancing the nearby theatre properties.

The Adelphi, also on 54th street, which has been dark most of the time since being built, has been taken over by a cult which will present plays in the 1,500 seater. Ambassador was built by the Shuberts, who tossed the house back to the bank during receivership but operated it thereafter on a percentage plan. Theatre site is triangular and the stage space is limited, but the location is favorable.

Shuberts have again signed up to operate the Belasco for another season. It is among the several houses which they leased last season when a theatre shortage was anticipated. (Continued on page 58)

3-Way Meeting Enhances Chances Of Film Coin's Back-to-B'way Move

San Carlo's 30th Road Season Starting Oct. 8

San Carlo opera company begins its 30th consecutive season on tour Oct. 8, first date being Wheeling, W. Va. Operatic outfit then goes to Chicago, playing a 17-day engagement, opening Oct. 11.

There was some indecision on the part of Fortune Gallo about sending the troupe to the road this season because of the war situation, particularly the entrance of Italy into the conflict. However, it is not anticipated that there will be unfavorable audience reaction. Although San Carlo is identified as American-Italian sponsorship, few aliens are in the company.

Sunday Shows Wait on Equity's Friday Meeting

Sunday performances will be the main subject at Equity's quarterly meeting to be held at the Astor Friday (27) afternoon. In the meantime, the referendum will be mailed out to all members in good standing.

It was decided not to send out a pro and con circular which was being prepared. Council figured that its recommendation favoring Sunday performances should be enough for the members. Referendum therefore will be a comparatively simple form. It will carry the present Sabbath regulation and the proposed revision of that provision, which is to read that Sundays without additional pay will be played on Broadway until June 1, 1941. That period could be extended indefinitely or discontinued by the council without further contact with the membership.

The referendum slips will be returnable Oct. 21. Usually such voting has been given more leeway, 60 to 90 days. Because the season has already started and the intent is to give Sundays a thorough trial, it is believed a month is ample time for all members to return their votes.

Arguments for and against will likely come up on Friday, but indications are that the members will follow the council's recommendation.

Chances of a renewed alliance between Hollywood and Broadway, which would again bring film money into legit production, were considerably enhanced as the result of a three-way meeting of managers, authors and picture executives held Thursday (19) in New York. Session was described as the most amicable of any since differences of opinion arose over the minimum basic agreement, which governs financing of stage productions.

Discussion was not in reference to a new pact, but with the idea of ironing out the differences between picture-backed shows, which was written in last season but never accepted. Explanation was made why the Hollywood end could not readily operate under the terms set up. The authors readily accepted the film people's views, while the managers listened in assent.

There are two main points that have been in contention. One a limit on percentage payments on the basis of the weekly gross. Film people said they could not bind their companies for unlimited amounts payable to authors. They asked that provisions be made whereby fixed sums would be applicable. Those present saw that such a change could be made fairly.

Second main point is that of the option on picture rights to plays financed by studio coin. Picture people want the right to decide whether they shall make weekly payments, or turn the rights over to the author to be placed on the open market. Pointed out that that arrangement should be satisfactory to the authors, because there would be a minimum of \$7,500 paid him and not returnable in cases where the rights are freed by the film end.

Those who attended the meeting held in the offices of the League of New York Theatres: Elmer Rice, Edward Childs Carpenter for the Dramatists Guild; John Byram, Paramount; Jacob Wilk, Warners; Sidney Phillips, Metro; Broderick Pemberton, Lawrence; Lamer, Gilbert Miller and Marcus Heiman, managers.

Other points to be considered are expected to be easily adjusted. If there is the anticipated agreement, legit production should spur this season. No date for further conferences has been set.

Road 'Hellz' Uncertain, But O.&J. Plan Ice Show Tour in B. B. Parks

Plan to send out a road company of 'Hellzapoppin' by the Shuberts and Olsen and Johnson, partners in the original at the Winter Garden, N. Y., is being reconsidered. First stated that the tour would not start until after election. Last week those on the managerial end expressed doubt that the show would go out at all, one reason being the possible effect on the value of the title, which is to be used in pictures. Another angle is that Eddie Garr and Billy House, proposed stars of the No. 2 company, are individualists, while O. & J. work as a team, pace being the main factor that makes 'Hellz' click.

O. & J. have an idea for another type of road attraction, it being tentatively called 'Hellzaprezzin.' It is to be an ice show and would be presented the south, principally in baseball parks. They have optioned a portable rink brought over to this side by Hugo Twiss, when he handled Sonja Henie's early American appearances. Ice show would have a number of thrill acts, and the gate is to be sealed at popular prices. Some of the 'Hellz' routines would be used in the ice show.

While Johnson is spending a fortune to equip a dairy farm at Carmel, N. Y., Olsen has some new activities on the side, too. At the entrance of his N. Y. cafe, the 4-40 (formerly 'The Tavern'), he has spotted a quickie lunch room and bills it 'A snack in a jiffy.' He will also build a 600-seat picture theatre at Malverne, L. I., near his home. Local zoning law there stymied plans for the original location, but the house will be spotted across the street.

Gaetano Merola, Calif.'s Impresario, Gives 1st Interview After 41 Years

By EDWARD SMITH

The History of Opera in California, or 'Why It Is Better to Play the Ponies,' was the subject of the first interview ever given by Gaetano Merola, founder of the San Francisco Opera Co., the Los Angeles Opera Co., and now impresario of both companies. Merola arrived in N. Y. Friday (19) to try and arrange a badly messed up schedule for his five-week season in San Francisco, due to get under way Oct. 12.

The maestro, opening up for his only press interview in his 60 years, bemoaned the fate that has hit his performances the past two years. Last season he was counting on the aid of some of Italy's greatest stars to put over his season, and the Italian government failed to grant them passports. This season, Lawrence Tibbett was scheduled to star in the first presentation of 'Simon Boccanegra' in California history, and to appear in a revival of 'The Girl of the Golden West.' The latter performance had to be cancelled due to Tibbett's illness, and 'Carmen' with Marjorie Lawrence, Raul Jobin, and Ezio Pinza substituted. 'Simon' has been replaced by 'The Marriage of Figaro.'

Merola formed the San Francisco Opera Co. in 1924, and for the past 16 years has been California's mainstay in opera. He arrived in this country in 1899 along with Luigi

Mancinelli and Antonio Scotti. At that time the 19-year-old boy was assistant conductor, substitute to Mancinelli, who headed the Italian repertory at the Met.

In 1901 Merola left the Met to join the Savage English Opera Co. as a conductor, remaining there till 1905, when he became associated with Oscar Hammerstein at the start of the latter's campaign to put the Met out of business. It was at Hammerstein's that Merola organized the first American chorus for opera. In 1910 Hammerstein left America with \$1,200,000 from the Met, and a promise not to return to opera in New York for 10 years. Merola followed Hammerstein to London, where the impresario promptly lost \$1,195,000 in one season. Here Merola had his first taste of light opera conducting 'Naughty Marietta' with Emma Trentini starring. Hugo Reisenfeld was concert master of the orchestra under Merola's baton.

It was in 1912 that Merola joined the Shuberts, remaining for eight years. It was here that he became associated with John Charles Thomas, and persuaded the baritone to abandon a musical comedy career and start one in the concert and operatic field.

Soldiers, Once Generals
Merola remarked sadly that despite the fact that he tries to give (Continued on page 58)

Any Petrillo Blitz Against Guild Is Under Delaying Action of Court

Regardless of whether or not the American Guild of Musical Artists is granted a temporary injunction against the American Federation of Musicians, the latter's president, James C. Petrillo, would probably have little chance to carry out his threat of barring from radio, phonograph recordings and various concert and other activity any instrumentalists who fail to join his union. Supreme court justice Aaron Steuer, who is weighing AGMA's injunction plea, has indicated he will take some time to reach a decision, possibly a month or more. And in granting a temporary stay nearly a month ago, justice Ferdinand Pecora declared the case should be tried soon, so a preference will likely be granted and actual trial be held within two months on AGMA's application for a permanent injunction. So even if the temporary injunction were to be denied, Petrillo would have little time to carry out his ultimatum.

Hearing on the temporary injunction bid was held before justice Steuer last Thursday (19), with Louis Boudin arguing the case for AGMA and Samuel Seabury representing Petrillo. Seabury's fee for the case was variously reported to be from \$20,000 to \$35,000, although it was generally supposed that the amount was nearer the lower figure. Several New York dailies have editorially attacked Petrillo since the case arose and, on the day after Seabury's entry as the AFM president's attorney, he was also severely criticized in a lengthy editorial in the New York Herald Tribune.

Steuer listens. In the hearing before Steuer, much of the argument was a repetition of that offered in the previous hearing before Pecora, except that this time a strenuous defense was offered by the Petrillo lawyers. Steuer offered little indication of which way his decision may go, but instructed the opposing counsel to submit briefs by today (Wednesday). After the hearing, Seabury and Henry A. Friedman, Petrillo's other attorney, refused to give reporters copies of affidavits submitted at the hearing by Petrillo and Joseph N. Weber, former AFM prez. Reason appeared to be resentment at attacks by most of the papers against their client, Sidney Cohn, partner of Boudin and already associate counsel for AGMA, was present at the hearing before Steuer. But Henry Jaffe, regular AGMA attorney, was absent, being kept away by mediation meetings between the American Federation of Radio Artists, another of his clients, and the major networks.

JESSIE REED DIES AT 43 IN CHICAGO

Jessie Reed, 43, formerly one of the best known show girls in Flo Ziegfeld's 'Follies' and other attractions of that manager died in Chicago Wednesday (19) of pneumonia. The pulmonary disorder followed distressful illness that afflicted the titan-haired looker for months. She fell last spring and fractured a kneecap, financial aid being remitted by the Ziegfeld Club, composed of former 'Follies' girls who give relief to less fortunate Ziegfeld alumnus. While she was incapacitated, word was received that dental care was necessary and more money was sent in care of Fred Crow of Erlanger's, Chicago, who represents the Actors Fund there. Soon after she started dental treatments Miss Reed was downed with a streptococcus infection and every tooth in her mouth was removed in the effort to trace the cause. Believed that her weakened condition was the reason she could not throw off pneumonia.

Miss Reed was wed four times, two former husbands being reputedly wealthy, yet she was destitute for quite some time prior to death. At one time Ziegfeld paid her \$500 weekly, it being known that he retained his top show girls by upping their salary and thereby preventing rival revues from breaking them. Recently announced that her daughter, Ann Carroll de Brow, who lives in Texas with the parents of her first husband, won two beauty contests there. Burial was made in Chicago at the expense of the Actors Fund. Money sent by the Ziegfeld girls club amounted to more than \$600.

'PINS' GOOD \$10,200 IN FIRST PHILLY WEEK

Philadelphia, Sept. 24. Ed Wynn's 'Boys and Girls Together' opened last night (Monday) its abbreviated one week's engagement at the Forrest. Last week's only show, 'Pins and Needles,' wound up its two weeks' stay at the Locust Saturday night (21), with the second stanza well ahead of the first as indicated. Everybody was satisfied with the approximate \$10,200 gross, a gain of \$2,000 over first six days' figure. Locust is dark this week and also next week. In fact, theatre's next official booking is 'Lady in Waiting' with Gladys George on Oct. 21.

Brokers Lose Plea For Restraint Vs. N.Y. City Officials

Application of six N. Y. city ticket brokers for a temporary injunction against Paul Moss, Commissioner of Licenses, and Lewis J. Valentine, Police Commissioner, to restrain the enforcement of new state law limiting brokers' premiums to 75c, was denied Monday (23) by N. Y. supreme court justice J. Sidney Bernstein. The court tempered its denial by stating that the plaintiffs might have an early trial of the issues, if so desired. The action itself, aside from the application for an injunction, seeks a declaration that the statute is unconstitutional.

In his decision, Justice Bernstein ruled that the regulations set up by the Commissioner of Licenses are not harsh or unreasonable. He also ruled that an attack on the locality of the law could not be upheld, as the law could affect other N. Y. State towns, if, as and when they went in for sporting events or shows. Plaintiffs' complaint that if the law is enforced they will be driven from business was not upheld by the court, which declared that the proof offered is utterly inconclusive and un dependable.

Court found that all the ticket brokers of the city had voluntarily subscribed to the Code formulated under the NRA, and that most had operated under the agreement with the League of N. Y. Theatres. Under these codes they had resold their tickets, which totaled 95% of aggregate sales, at an advance of only 75c, and in some cases for 50c. Since all remained in business, the court found that the complainants were not justified in their stand. Chief point of contention was the Tyson vs. Banton decision of 1927, when the U. S. Supreme Court, by a five to four decision, ruled that price-fixing violated the 14th amendment. It is expected that a preference for an early October trial will be secured by the brokers who have already requested it. Plaintiffs in the action are Kelly-Sullivan, Inc., T. Everett Naughton, Piccadilly Ticket Service, Inc., City Theatre Ticket Co., Inc., Supreme Ticket Office, Inc., and Joe Deutsch Theatre Ticket Service, Inc.

Gracie Fields Gets Big 20G In Mont'l For Charity

Montreal, Sept. 24. Scheduled for two nights (19-20), Gracie Fields jammed the Forum's 7,500 seats at 50c to \$2 top, and gave a repeat on Saturday night (21) for which hundreds were turned away. Show was for benefit of Navy League of Canada and Great army and navy bands and choir of male voices. Gross was approximately \$20,000. From Montreal she flew to St. John, New Brunswick, thence to Halifax, completing Canadian tour from Victoria to Atlantic Coast. Miss Fields plans to fly to New York from Halifax.

Neither Heat Nor Crix Stop 'Skylark', \$9,000, In Mpls.

Minneapolis, Sept. 24. Despite intense unseasonable heat, legit roadshow season got off to an auspicious start with Gertrude Lawrence in 'Skylark'. In face of the unfavorable weather, with mercury mounting to the 90's, and mixed critics' opinions relative to the play's merits, attraction, scaled at \$275 top, grossed approximately fine \$9,000 for three nights and a matinee. It was Miss Lawrence's first appearance here. 'Tobacco Road' is underlined for October.

WYNN \$22,000 IN HUB FINALE

Boston, Sept. 24. After a very successful tryout of two and a half weeks, Ed Wynn's 'Boys and Girls Together' left Saturday (21) for a week in Philly and then Broadway. Everybody happy about b.o. here, which held to a high level during entire run. Final frame was approximately \$22,000. Sam Harris presents 'George Washington Slept Here' (Kaufman-Hart) Thursday (26), with Ernest Truex, Jean Dixon and Berton Churchill featured. Whitford Kane will be starred in St. John Ervine's 'Boys' Shop,' which initiates the tryout experiment. In the Shubert, et al., Saturday (28) at the Copley. Series of new shows will be sampled here during the season at \$1.65 top. Civic Repertory Theatre reopens Sept. 30 with indef run of 'Life With Father,' presented by Oscar Serlin and starring Dorothy Gish and Louis Calhern, at \$2.75 top.

Managers Agree To Broker Concessions On Fines and Bonds

Managers, through the League of New York Theatres, have answered the ticket brokers who've asked for a number of changes in the code, which is expected to become operative despite the new state ticket regulations. (Mitchell bill) stipulating a 75c maximum premium. Main request from the agencies was the elimination of the levy of 3c per ticket. League declines to drop the impost.

Brokers were advised that the League will agree to make certain other concessions. Rules are not definite as to penalties for infractions. Indicated that the maximum fine would not be more than \$1,000 and the amount of bonds supposed to be filed as guarantees of good faith not more than \$2,000. Further indicated, however, that if the agencies pay the ticket levy now owing, no bonds would be required.

STEEL PIER OWNER PLANS LEGIT HOUSE

Atlantic City, Sept. 24. Frank P. Gravatt, operator of the Steel Pier, stated Sunday (22) he would soon build a new 1,450-seat theatre to draw legit shows here. He said the new house would cost \$250,000 and be completed by Jan. 1.

New theatre will be at northeast corner of N. Y. and Atlantic avenues, a block west of City Hall. Next door will be a parking lot for 1,000 cars. When legit shows are available, films will be and occasionally a presentation. Facade has been designed by Armand Carroll, and interior decorations by Armand Ricci. Marble-clad structure which housed the now defunct Second National Bank is being razed to make way for Gravatt's project.

'Road' 7G In Buffalo

Buffalo, Sept. 24. Despite enforced cancellation of Monday (16) opening performance due to misrouting of scenery, combined with a pouring rain, next door of week, 'Tobacco Road' (John Barton), in its seventh repeat at the Erlanger, got okay biz last week. Snagged approximate \$7,000 in seven performances.

Jolson's 1st Full W'k S.R.O. \$29,000 In Generally OK B'way Biz; 'Dinner' Spurts to \$17,300, 'Night,' \$17,000

'DINNER' OK \$15,000 IN 2D DETROIT WEEK

Detroit, Sept. 24. With the second week behind it, Detroit's initial legit of the season, 'The Man Who Came to Dinner,' probably will stretch out its run to five weeks at the Cass. The company, starring Clifton Webb and Doris Dalton, held up in second stanza, finishing with approximately \$15,000, after around \$16,000 in its first week.

Detroit also has been added to subscription cities of the Theatre Guild, in association with American Theatre Society. Five of the six plays making up the schedule have been announced, starting Oct. 28 with 'Philadelphia Story.' In November, 'Time of Your Life' follows at the Cass, with 'There Shall Be No Night' linked in for Dec. 9. Dates for the other two, 'Twelfth Night' and 'Ladies in Retirement,' have not been set.

'Animal' Picks Up In Chicago To O.K. \$12,500

Chicago, Sept. 24. There was a considerable perk in business for 'Male Animal' at the Selwyn in its second week. Indicated now that the show, which started weekly, may settle down for something of a run in Chicago. Came to bat last week with plenty of added publicity and exploitation.

First real disappointment of the season was 'Too Many Girls,' which folded suddenly Saturday (21), with George Abbott deciding not to try to live up to the reviewers' notices. All the critics liked the show and told the people to go, but not enough of 'em did.

On Monday (30) the Harris will relight with 'Ladies in Retirement' in for at least a fortnight under American Theatre Society auspices, and on Saturday night (28) the Grand will try with the Hollywood musical, 'There Shall Be No Night.' 'Life With Father' continues brilliantly.

Estimates for Last Week 'Life With Father,' Blackstone (31st week) (\$2,200; \$2,75). Pace remains at an excellent level and no indication of around \$15,000.

'Male Animal,' Selwyn (2d week) (1,000; \$2,75). Got some excellent help last week on new exploitation and publicity, which was oxygenated for the boxoffice, lifting gross to \$12,500.

'Too Many Girls,' Grand (3d and final week) (1,300; \$3.30). First disappointment of season. Closed stay and tour here suddenly Saturday (21). Originally slated to stick until Oct. 5, the run was cut first to Sept. 26 and then stopped short after three fair boxoffice weeks. Finished to \$17,000.

2D-NIGHT CRIX FORM ORG. TO 'HELP' LEGIT

The Second Nighters, group of about 50 critics, commentators and columnists who attend Broadway second nights for various local and out-of-town papers and national publications, have elected officers and adopted a constitution. Officers include Joseph T. Shipley (New Leader), president; Thyras Samter Winslow (King Features), chairman membership committee which includes Euphemia Van Rensselaer Wyatt (Catholic World) and Alvin B. Goldstein (St. Louis Post Dispatch). Executive committee includes Paul Shinkman (Central Press), L. L. Stevenson (Detroit News World Service) and John Campbell (Your Life). Shirley Hector is secretary. Organization intends to 'further the cause of worthwhile plays' and 'stimulate interest in commendable productions till the latter find their audience.' They will carry on drama discussions, award prizes, hold forums of the air and co-operate with drama societies throughout the country.

Estimates for Last Week Key: C (Comedy), D (Drama), R (Review), M (Musical), F (Farce), O (Opera).

'DuBarry Was a Lady,' 46th St. (42d week) (M-1,375; \$4.40). Business holds up excellently for most attractions. (List) here being only two or three exceptions to this musical improved further and bettered \$22,000; looks set to stay, moving to another spot.

'Hellsboplin,' Winter Garden (105th week) (R-1,671; \$3.30). Continues to approximate capacity, with standees at most performances; got more than \$31,000.

'Hold Your Horses,' Shubert (2d week) (M-1,405; \$4.40). Capacity from the start; first full week newest musical (Al Jolson) went to \$29,000 and looks cinch for run.

'Johnny Belinda,' Belasco (1st week) (D-1,000; \$3.30). Most notices unfavorable; although given critical pasting, management expects to keep drama going for time; \$4,000 estimated in first five times (opened Wednesday, 18).

'Jupiter Laughs,' Biltmore (D-991; \$3.30). Season's first casualty; closes Saturday (25). Management expects couldn't improve; would have \$4,000.

'Life With Father,' Empire (46th week) (C-1,095; \$3.30). Pacing with last season's big gross; close to \$18,000, which is capacity plus.

'Louisiana,' Imperial (17th week) (M-1,450; \$4.40). Standees at all performances last week again for front-runner unaffected by pace of 'Hellsboplin' at \$35,000.

'Man Who Came to Dinner,' Music Box (49th week) (C-1,102; \$3.30). Another favorite that has come back strongly; approaching capacity again, with last week's takings going to \$17,300.

'Separate Rooms,' Plymouth (26th week) (C-1,107; \$3.30). One of the laugh shows that are flourishing; business for one-acter quite profitable for some time, with the gate now topping \$10,000.

'There Shall Be No Night,' Alvin (17th week) (D-1,434; \$3.30). Return date of drama setting fine boxoffice support, with the gross again reaching \$17,000; that would be capacity in another house.

'Tobacco Road,' Shubert (261st week) (C-1,101; \$3.10). Advertising final weeks for the past month or two; still making money and date may still be indefinite; around \$5,000 at low top.

RETURN ENGAGEMENT

'Tim and Ton,' Life (CD-956; \$2.75). Relighted Monday (23); Pulitzer and critics' prizewinner slated for two weeks and then tours.

REVIVAL

'Kind Lady,' Playhouse (3d week) (CD-965; \$2.75). Management slated over profitable business drawn to date; pace is better than \$10,000.

ADDED

'Sim Sala Bim,' Morosco (2d week) (939; \$2.75). More favorable Sunday commercial ad for 'Sim Sala Bim' (Harry A. Jansen) magic show; with Sabbath performance, takings around \$7,000 or better and should improve.

'JUPITER LAUGHS' TO FOLD AFTER 3 WEEKS

'Jupiter Laughs' rings down Saturday (28) for the last time after three mild weeks at the Biltmore, N. Y. It's the first failure of the season. Drama could not recover from an adverse press, business after the premiere being so light that two for ones were tried. 'Jupiter,' backed by Warners, was written by Dr. J. C. Crow, English author of 'Citadel,' but the play has not been done in England as yet. Understood that the deal with the dramatist stipulated that the show be played for at least three weeks. Picture rights were not involved.

Memphis' Legit Outlook N. G., Despite U. S. Coin

Memphis, Sept. 24. Legit prospects for Memphis are worst in decade, despite fact that new munitions plants here have put the town in shape for profitable season.

Ellis (Municipal Auditorium) has only three shows on its books at this date. Schedule reads: 'Skylark,' Oct. 21-22; 'The Little Foxes,' Feb. 8; 'The Man Who Came to Dinner,' Feb. 21-22.

Col. Charlie McElravy, Auditorium impresario, angling for more attractions and has plenty of promises, but nothing more.

J. J. Shubert to Produce In Detroit, Then Tour New Shows and Revivals

Detroit, Sept. 24.—Leasing of the Wilson theatre here by J. J. Shubert means more than just another legitimate house in operation in Detroit. It is to become the production center for a series of shows which will be sent on the road. Seven have been scheduled thus far—four being new and three revivals which have not played thus far.

The lease on the theatre is for two years, with options. Now enough electrical supplies for four theatres and five carloads of scenery—have been moved in.

Where the project first seemed an indoor version of the 'Opera Under the Stars,' the project now has shaped up into more than that. Fifteen years ago Detroit was gaining a national reputation as a tryout city. Many major shows were assembled here and the new project is a flash-back to those days.

First on the schedule, for opening Oct. 6, is a lavishly musical, 'Unfaithfully Yours,' with story by Roland Leigh and based on the life of Du Barry. Talent lined up for the companies Shubert is prepping include Michael Bartlett, Doris Patson, Evelyn Daw, Nancy McCord, Nina Vatiela, Carl Randall, Harrison Dowd, Noel Cravath, Fred Sherman, Victor Morley, Robert Shuler, Barre O'Daniels, Melissa Mason, Robert Chisholm, John Clark, Marian Pearce, Barbara Perry, Kitty Carlisle, Margaret Nanara, Adele Dixon, Margery Gainsworth, Nina Olivette and Jack Sheehan.

Other new pieces which will open here as part of the new road-scheme project will include a modern musical, 'Cocktails,' by 'The Boys from Florida' (H. M. Fall, composer), 'Night of Love' and 'A Gentleman in Dress Clothes.' The three revivals, none of which were seen here, are 'Higher

and Higher,' 'The Three Waltzes' and 'Frederica.' As soon as the shows shape up here, the plans call for shooting them to Chicago. The ensemble will be resident in Detroit, but the principals will move along with the production. During the Detroit runs the prices will be scaled from 50c to \$2. Nine performances weekly are on the schedule.

The drama project also calls for a revival of the subscription list. Minimum time at the Wilson will be two weeks to facilitate the production of the subsequent shows.

Equity Grants Concessions

Musical stock will be presented in three key stands this season, according to plans of J. J. Shubert, first spot chosen being Detroit. Manager applied to Equity for two concessions, which were granted, the actors' association stating that it acquiesced because it will aid unemployment.

Shubert asked that the chorus salary be made \$30 weekly, which is the same scale paid for outdoor operettas during the summer, regular road scale otherwise being \$40. Equity okayed the idea for a 10-week period. Manager then asked that the stock pay apply if the ticket top be made \$2.20, since Equity musical stock rules stipulate the chorists' salary be \$30, provided the highest price of tickets is not more than \$1.65. Shubert explained the higher price would apply to the first half of the lower floor, but that he expected to build up subscriptions and that subscribers would get such locations at \$1.65. Principals are well paid, contracts calling for salaries from \$200 to \$350.

Should Detroit support the musical stock season, he intends presenting similar companies in Chicago and Philadelphia.

Night Club Reviews

Continued from page 50

LA MARTINIQUE, N. Y. mirez (New Acts) and amidst all the one-two-three-kick atmosphere, attendant to any Latin nite club, Ramirez is proving quite a wow.

Otherwise the show is standard, or more strictly a standard in quality. George Tappis is now a personable juvenile tapster more than ever before. He uses his smile, and the softening-up of his hairdress, a heritage of a Hollywood film star, to carry him even further. Apart from his orthodox tapology, the hoofers has now developed a fine flair for fun to accompany the intricate stunts.

Harris and Shore, one of those eccentric 'satirical' ballroom teams, although now it's a familiar pattern, get plenty out of their chores, especially in the intimacy of a cafe. Ramirez rounds it out and stops the show.

Val Olman's crack dance band is back with a two and three reeds, two brass and three rhythm (piano, string bass and drum) of which the pianist is quite a standout. His Steinwaying asserts itself to the degree he'll undoubtedly step out on his own in time. Olman violin-conducts and deposits himself well with the casual intros. The rumba combo is headed by Herbert Corbello, brother of Fausto, and lastly the latter's drummer. Now Corbello is chiefly batoning. Band personnel is virtually the same that Fausto Corbello had when at La Martinique last season, until he broke away under Music Corp. of America direction.

The affable Marascchino, who knows all the answers about cafe catering, is again at the door, and no small asset. Muriel-Hanna's new decor has done better than ever by the Martinique's interior; somehow the cuisine has been stepped up in its quality (as it should be, in view of the \$2.50 minimums) and with the spot seems set to ride the crest of another season. Colette Lyons opens tonight (Wednesday); Imogene Coca and Kaye are booked to follow as comedy entries. Abel.

EL CHICO, N. Y.

Norma Lucero, Juan Jose Sero, Joyita and Maravilla, Jose and Paquito, Los Aztecans, Don Alberto orch, 50c and 1.00 cover.

Founded in 1925, Benita Collada's class Greenwich Village Latin nite celebrates its 15th anniversary with a tiptop native show. Collada, who scouts his talent all the way from Madrid and Barcelona to the Latin-American continent, does a medley of all types of entertainers, including Joyita and Maravilla, just returned

from Rio and Buenos Aires, have been here twice before. They are comely lookers, the petite one especially attractive and saucy songstress. They work intine, using sombreros for occasional audience fol-de-rol.

Jose and Paquita, native dancers, also have been on a recent South American tour following their Hotel Savoy, London, engagement, curtailed by the war. Just before, Mexico singer, is a newcomer, first time in America. He won a Bristol-Myers Co. radio contest in Mexico City from among 2,000 competitors, prize including a visit to New York and an engagement at El Chico. He's an ingratiating romantic tenor of exceptional vocal quality. Norma Lucero, about 18, Spanish dancer, rounds out the show, along with Los Aztecans, male team of Mex singers.

El Chico is the class spot of the Village, and deservedly so, with Collada constantly scouting new faces and the show, along with the cream of the crop. Many of his imports have gone into faster company uptown; especially as the vogue of the conga-rumba cycle expanded. Abel.

CHASE CLUB, ST. L.

St. Louis, Sept. 20. Connie Boswell, Clyde Burke, Steve Market, Raymond Scott Orch (14); minimum \$1.25 and \$1.75.

The combo of Connie Boswell and Raymond Scott's orch, which includes the near lethal among the toneters, is accomplishing something at this class west spot that hasn't been done in many a moon. It's standing 'em up. At midnight session caught more than 800 jammed every nook for the strongest opening in more than a year, and the word-of-mouth plugging this show is getting assures the management of plenty of profit.

It's the first time Miss Boswell has worked with Scott's outfit and the local debut of both. The show (76 Boswell) whams with no letdowns. Miss Boswell wowed 'em with seven numbers at each of two shows presented within a four-hour period on opening night. And still they wanted more.

Show got away to a sock start with Scott waving the lads through his themer, 'Pretty Little Petticoat,' his own composition which was recently recorded, and immediately goes into his own solo special arrangement of 'St. Louis Blues,' with Jimmy Maxwell, recently with Benny Goodman, clicking on a hot trumpet. Steve Market, another trumpeter who's pretty handy, does a comic ditty, 'Blues Blues, Blues, Blues,' and gives way to Clyde Park, tenor who scores

Shows in Rehearsal

'Cabin in the Sky' (Little Joe)—Al Lewis, Vinton Freedley, Martin Beck.
'Suzanna and The Elders'—Jack Kirkland.
'Twelfth Night'—Gilbert Miller, Theatre Guild.
'Charley's Aunt'—Tuttle & Skinner, Carly Wharton, Martin Gable.
'Return Engagement'—Shuberts, Schmidlapp, Gaites.
'It Happened on Ice'—Sonja Henie, Arthur M. Wirth.
'Panama Hattie'—Buddy De Sylva.
'Second Helping'—Walter Bachelor, Monte Proser.
'Journey to Jerusalem'—Playwrights.
'Boyd's Shop'—Shuberts, Schmidlapp, Gaites.
'The Big Story'—Gilbert Miller.
'Philadelphia Story' (road)—Theatre Guild.
'Gilbert'—Sullivan Rep.—Joseph S. Daltry.

PERMANENT STOCK PLAN FOR MILLBURN

Permanent stock company is planned for the Paper Mill playhouse, Millburn, N. J., possibly opening about mid-November. Frank Carrington will be manager and has lined up the bankroll. Agnes Morgan, formerly associated with the Ann Arbor Drama Festival and other ventures, will direct.

Project is stated at the moment because of the inability of Carrington and Miss Morgan to clear the rights to three London plays with which they hope to start activities. Idea would probably be to use a resident company at the spot, with name guests when necessary, and running each production two weeks.

Paper Mill playhouse, seating around 700, is reputed to be one of the best equipped rural spots in the country. It's location is also favorably regarded, as the surrounding territory contains numerous wealthy residential communities. House has been dark about a year.

Czech Comics Prepare Dictator Satire For Clevel.

Cleveland, Sept. 24.

'Ass and His Shadow,' satire on dictators, is being revised and translated by Voskovec and Werich, Czech comedians who originally did it at their Libertad theatre in Prague several seasons ago, for an American tryout at Frederic McConnell's Play House.

Comedy probably will be staged here in December or January by the two playwright-director-actors, who moved to Cleveland after their internationally known theatre in Czechoslovakia was locked up by Hitler. Both recently turned down a bid from Stanley Zucker, who tried to get them interested in a contemporary New York revue featuring European refugee talent. Said they preferred to be individualists and stars of their own vehicles than part of a Broadway mob.

Two clowns, who spent two years learning to speak English, took local boys at Play House last season in 'Heavy Barbara,' one of their musical satires on totalitarian states. Although authors of about 30 Czech plays and 200 songs, 'Heavy Barbara' and 'Ass and Shadow' are only ones they have translated into English so far.

solidly with 'Heaven, Too' and 'I Surrender Dear.'

Massaging the ivories with finesse, Scott guides his 'quintet,' Market, Slater, Long, clarinet, Stan Webb, tenor sax, Chubby Jackson, bass violin, and Andy Pickard, drums through 'Minuet in Jazz,' another of Scott's compositions, and 'Twilight in Turkey.'

All this leads to Miss Boswell, who transfers from her wheelchair to a high stool behind a house mike with remarkable agility. Wearing an eye-filling lavender blue evening gown, she had the eye on her side from the kickoff, 'Nobody's Baby' being followed by 'Fools Rush In' and 'Martha' before encores brought her back to 'Sirovano,' a doubletalk ditty, 'Nobody's Baby' and 'Nobody's Sweetheart' and 'Dinah.'

Scott brings setup to a close by directing the lads through 'Tuxedo Junction,' the last half of which is pretty zany, with the tooters parting and the trombonist doing a pratfall for a finale. Shu.

Literati

Volunteer Homes to Refugee Kids

Employees of the New York Times, in answer to a query by publisher Arthur Hays Sulzberger, have volunteered to provide homes for five children of workers in the paper's London office. Management will pay the kids' passage to this country.

The youngsters' immigration hinges on the British government, however, as they must stand their turn in the long list awaiting the limited transportation facilities. Moppets who are to come are in three groups, two pairs of brothers and sisters and one single. Brothers and sisters will be kept together. They are not children of editorial employees and are not being taken only by editorial workers here.

Many more employees than were needed volunteered to take the children and it hasn't been decided yet to which homes they will go, Sulzberger said. Publisher already has five refugee youngsters at his own home.

Authors Mull More Royalties

Authors Guild, subsidiary of the Authors League of America, is considering possible means of collecting royalties on book rentals. Little progress toward practical solution of the problem has been made, but a report submitted by Morris Ernst suggests that the Guild approach book publishers with a proposal that the latter issue books under two categories, either sold only for resale, or consigned for rental purposes. Figured that rental might be controlled and royalties collected. Ernst's opinion is that otherwise the attempt to collect royalty might be outlawed by the courts on the ground that it violated copyright law. In any case, it is pointed out, the problem of 'policing' would be prohibitive unless the consigned-for-rental principle were used.

Report estimates the number of varied rental libraries in the country as totaling 83,500.

It asserts that the number is rapidly increasing and expresses the belief that 'as things stand at present, a book on which the author collects no royalty payment may actually earn its original price many times over in the form of rentals charged by lending libraries.' It concludes, 'Clearly some part of those rental charges should flow to authors.'

Winchell Scores in Suit

Joseph Curran's suit, as president of the National Maritime Union of America, against Walter Winchell, Daily Mirror, Inc., NBC, RCA and Andrew Jergens Co., was dismissed yesterday. (Tuesday) in N. Y. supreme court by Justice Peter Schmeck with leave to amend the complaint. Suit sought damages of \$100,000 and claimed libel.

Alleged libel occurred June 9, 1940, in Winchell's broadcast over WJZ and was repeated the following day in the N. Y. Mirror. Winchell, in his column and in the broadcast, charged conservative activities in the plaintiff's union.

Ladies Home Journal Chided

Latest issue of the Authors League Bulletin, publication of the Authors League of America, carries an article criticizing the editors of Ladies Home Journal for turning down a serial by Alice Duer Miller after 'ordering' it and having revisions made and expressing preliminary approval of the yarn.

Bulletin offers no solution in the matter, but concludes that Mrs. Miller relied on 'custom' as she knew it from her past and always harmonious dealings with the Journal, only to have another 'custom' quoted against her, in an attempt to justify the loss of months of her time.

Will Rogers Blog for SEP

Biography of Will Rogers, 'Uncle Clem's Boy,' will start serializing in the Saturday Oct. 2 and will run for eight installments. Author is comedian's widow, Mrs. Betty Blake Rogers, with an unlisted assist from Milton Mackaye. Deal for the book rights is being negotiated.

As a ballyhoo stunt for the pieces, the mag is arranging for a Will Rogers Day at the New York World's Fair, probably Oct. 3 or 4.

AFL Wins Chl. Vote

In plant vote at Herald-and-American, Chicago, evening Hearst paper, AFL won out over the C. I. A. American Newspaper Guild. Vote was held under auspices of National Labor Relations Board. With the victory the AFL takes over as chosen bargaining agent for both

editorial and commercial department employees.

Voting shaped up as follows: Chicago Editorial Assn. of AFL, 154 votes to 54 for the Newspaper Guild, and in the commercial department, the Newspaper Commercial Association of AFL, 388 votes to 91 for the Guild.

It Happened in Lincoln

Things happened quickly for Lincoln (Nebr.) Journal's Barney Oldfield, film editor and columnist. Publisher put him on daily column basis Monday (16). Reserve officer headquarters called him Tuesday (17), ordered him to put in his application for active duty for a year in the army. He did same Wednesday (18), and Thursday, figuring the call would come any day, and there's no use starting a feast which is going to be lopped off anyway, daily stint was ordered out (19).

Oldfield has been ordered to Omaha for physical exams, and, if passing, it's apt to be Captain Oldfield any day now.

2 Film Fan Mags Merge

Macfadden Publications is merging two fan mags, Movie Mirror and Photoplay, under the title of Movie Mirror-Photoplay. Ernest Heyn edits the new mag, which sells for 10c and bears the present format of the Mirror.

Photoplay, a 25-cent, was one of the oldest film magazines in Hollywood, originally published by James Quirk. Its passing means the loss of another market for free-lance writers.

Pic Stuff Back in Sheets

Newspapers are taking a tip from Hollywood and buying features in the light news, to meet the tragic news on the front pages.

Sheets which eliminated Hollywood chatter and other flippant tidings to whittle down expenses are restoring them to type.

Nathan Rejoins Mercury

George Jean Nathan, who with H. L. Mencken was one of the founders of the American Mercury, returns to the mag with the November issue, on the stands around mid-October. He'll do a monthly piece on the theatre.

Initial story is an appraisal of William Saroyan.

LITERATI OBITS

Mrs. Care Lloyd Strobel, 81, author, editor and part owner of the N. Y. Daily Worker, died Sept. 18 in Little Compton, R. I., after an illness of two days.

Matthew White, Jr., 83, former editor of Munsey's and the Argosy magazines, died of bronchial pneumonia, Sept. 17, at his home in Westport, Conn.

Capt. Edward B. Hinckley, 53, for the past 12 years an editorial writer for the Philadelphia Evening Bulletin, died of a heart attack Sept. 17 in that city.

Ruth E. Jones, 51, society editor of the Washington (D. C.) Times-Herald, died Sept. 17 in Cleveland.

Jose Campos, ex-editor of the Spanish-language Internacional of El Paso, Texas, and one-time editor of the Mexico City Excelsior, died in Mexico City, Sept. 20.

H. A. 'Bert' Stein, 61, news editor of the Vancouver Sun, Vancouver, B. C., died in Vancouver Sept. 19 after a short illness. He had been a member of the Sun staff for 25 years, serving at one time as managing editor.

CHATTER

James Thurber started twice weekly rambling column in PM yesterday (Tuesday).

W. R. Burnett's 'The Quick Brown Fox' is the midwest, is ready for the printers.

Calvin D. 'Peg' Mansfield, Atlantic City, Evening Union reporter, elected president of the A. C. Press Club.

North American Fashion Features, Inc., chartered to conduct a business in fashion magazines, etc., New York.

John Truesdell is writing Hollywood stuff for Esquire Feature Syndicate in addition to his chore as correspondent for the Columbus Dispatch.

Cecelia Ager went on to the Coast to visit her mother, following 'The Westerner' preem in Texas, returning to her PM chores Monday morning after two days in Hollywood.

Daisy Hendley Gold, wife of John D. Gold, editor of the World (N. C.) Daily Times, has completed a novel 'I Was Forever,' to be brought out in December by a Philadelphia publishing house.

Broadway

Hugh McCauley back in Lyceum boxoffice.

Cocktail party for Bette Davis today by WB.

Ben Atwell ill after extraction of an infected tooth.

Ella Bottorff, soprano, singing her way through two West Indies cruise.

Bob Hope may do a musical for Sam Goldwyn in the near future.

Dante the musician on WHIN at one a.m. Saturday (21) for stunt program.

Dave Ferguson back at Jewish Theatrical Guild office after attack of grippe.

Selena Royle and Earl Larrimore have moved into new apartment on West 55th.

Bob Muesel and George Ross, N.Y. World-Tribune scribes, collaborating on a play.

Barbara Frietche, kin of the Civil War heroine, newcomer to the legit boards.

Dan Healy presents Helen Kane at the Club El Encore, East 53d street, Thursday (26).

Austin Keough taking a little time off after loss of sleep working on the consent decree for Paramount.

George Tappis got his release from the William Morris agency and is now being handled independently.

Vera Murray, secretary of the late C. B. Dillingham, recovering from appendectomy at Polyclinic hospital.

Jack Halliday, Paramount's Coast story editor, who registered last week, expected to enter the agency this week.

Gene Autry will be a feature of the Rodeo which tenants Madison Square Garden Oct. 7 to 27, inclusive.

Serious operation to George D. Lottman's father brought the p.a. flying into town from his Miami retreat.

Peggy Hopkins Joyce doing some recordings of possible radio program. Jack Eigen of WMCA her abettor.

Ella Shields, who hurt her head in a taxi, due back on Jimmy Dwyer's Sawdust Trail after two weeks medical care.

Joe Moss unveiling a more intimate niter, the Fairway for the Beach Club, off of East 84d street, early in October.

All the town turned out for Sherman Billingsley's cocktail party Sunday afternoon at the Stork in honor of Al Johnson.

Andy Smith returned Monday (23) from Toronto after discussing sales matters and checking into RKO exchange there.

Music Hall cocktail party at midnight Thursday (19), opening day of 'Ramparts', hosted by Roy E. Larsen, v.p. of Time.

Cresson Smith purchased an orange grove near San Bernardino, Cal. Says he will build a swimming pool on the place.

Herman Levin, Joseph S. Daltry's Gilbert & Sullivan Co. giving a press preview Saturday (28) night prior to Monday's preem.

James Roosevelt planned for the Coast Monday (20) for opening of the east for the opening of his 'Pastor Hall' on Broadway.

Cuba's President Batista is looking to the tourist trade and has appointed Forrester Johnston to p.a. the tourism commission.

Warren O'Hara will be back with 'Panama Hattie', Nat Dorfman agenting as with 'Louisiana Purchase' and 'Du Barry Was a Lady'.

Eddie Knight, publicity chief for French Line, is leaving his post to serve as major in the 71st Infantry, New York National Guard.

Hermann Leupold, Viennese song-smith-entertainer, last year at Al Wien, now holding forth at Old Europe, new upper Broadway cafe.

Freeman occupying the Charles J. Freeman home at Freeport all alone. Family now installed in Dallas and likes it fine.

Joseph Pasternak and Henry Koster are shortly for opening of 'Gleanings of Europe' at the Fox.

Na Durbin's 'Spring Parade' at the RKO, following 'Brigham Young'.

Sidney Levy, manager of the Alhambra, Meridian, Miss., for the Saenger circuit, is due in New York the middle of next month on his first trip east.

Dick Bard, p.a. of WNEW, N. Y., off to Texas to do a picture spread on Elton Bix for Elton Bix bar.

Will take pics in Butti's natural habitat.

Harold Conrad, of Brooklyn Eagle sports department, also doing Broadway column under title of 'Gotham Grape Vine', formerly conducted by Ivy Gardner.

Timothy Kearshe, who played role of Nora, the maid, in 'Life with Father', is in Gotham hospital recuperating from an appendectomy. She'll return to cast shortly.

One of the main squawks of the PM staff, especially the male end, is that there's not a good bar at the grill in the vicinity of the editorial office, located in Brooklyn.

Lillian Bond, RKO player, left the Westerner, unket at Dallas and came on to New York for a possible Broadway play, rather than return to Hollywood with the Coast contingent.

In Connecticut, Field, on his way to a golf match Thursday (19) at the Apawamis club given by Peter Rath and other RKO directors, plus executives.

Jim Boyle, formerly with Paramount, Universal and the Griffith

circuit in executive capacities, more recently in politics, is returning to the film field. He was in sales and accounting.

Bob Christenberry (Hotel Astor) to Miami for a spell, while Miami Hotelier Oscar T. Johnson of the Hollywood Beach hotel (Fla.) is in town on business, stopping at Christenberry's hostelry.

Chicago

William Morris in town for general situation.

Fred Spooner in as special rep for 'Male Animal'.

Herman Wobber and Moe Levy in for Kent sales force confabs.

Ada Leonard's mother and brother injured in Ohio auto accident.

Charles Freeman has option on proposed dramatization by Arch Oboler of Mr. Sycamore's novelette.

Col. Yashenko moving his Yacht to the Lake Shore Drive hotel, with George Scherban gypsy ensemble to handle the musicals.

Flock of film men in town during the week included William Schuff, Bob Taplinger, George Schaefer, Mort Blumstock and Ben Kalmenzon.

Ade Blum and his wife received flowers of telegram and banks of flowers on their 35th wedding anniversary while stopping off here last week.

Airlines

Continued from page 2

who is pretty good with a rifle, miss his shot, Ross said.

The shoot took place at Lander, Wyoming.

Bells

Anne (Windy Poplars) Shirley flew in on the TWAotliner early last week for a one-day stay. Her oldest and closest friend, Phyllis Fraser, was wedding Bennett Cerf under the official reading of Mayor LaGuardia, and Anne hopped 3,000 miles for the event. It was the Random House publisher's second marriage, the first having a bustle, when Sylvia Sidney cut loose and later married Lydia Adler.

A. A. Schubart of RKO scooted out of town, the 16th, to Chicago on the TWA super-duper ship, and James (Bye, Mr. C.) Hilton went out to the Coast on the same flight. Morris Helprin was on the plane, L. A. bound.

Preem

To town for the preem of 'Brigham Young' at the RKO came Tyrone Power, Annabella, Louella Parsons and Dean Jagger. On the sked also was their work with Kate Smith Friday night. Jagger arrived by American's Mercury Friday morning, and after the radio and stage shots he galloped to the airport for a 1 a.m. return to the Coast. This fast jump into town seems to mark Jagger's turn, as in times in recent years he has been red-hot on Broadway and each time Hollywood drafted him, but only so-and he returned to Broadway, only to be called again. In the reels on 'Brigham' he apparently has clinched his spot in the klieg. Already at work on another picture.

Power and Annabella caught 'There Shall Be No Night' at the Alvin Tuesday night for the second time. They saw it in Boston and liked it. Quizzed about doing the Lunt role before a camera, Ty said he thought the thing unlikely. 'I don't believe I would fit into the job for one thing, and secondly, the producers think so-called entertaining pictures are the best bets right now, rather than stark, dramatic things like this show.'

Louella Parsons said she had plans for a new stage tour with a company of Hollywood girls, beginning about mid-October. She named June Preisser, Binnie Barnes and Mary Beth Hughes as among those who might tour with her.

Jack Benny and Mary Livingstone came in from Chicago on TWA's liner and made reservations to return on the same trail Sunday. Arrivals on the straitliner last Wednesday included Mrs. William Wyler (Margaret Tallichet), wife of the director, since returned to the Coast, and Perry Hornblow, son of Arthur Hornblow. Karen Morley, of Columbia Pix, and Jim McGowan, of Metro, straitlined in last Friday.

Bart Preaver, of TWA, brought back word of the progress of RKO's new 'No, No, Nanette' with Anna Neagle, when he returned from a hop to the west. A faithful duplicate of a straitliner has been built in the studio, and one of the important scenes in the film has its setting in the plane. Last week at LaGuardia Field, out-door shots were made of the plane taxiing and taking off, and back-ground shots of the Aviation Terrace restaurant with diners overlooking the field.

Paris

Frankfort Opera going to Paris and Bordeaux.

New decree forbids rise in prices in non-occupied France.

Amateur soccer football leagues in France being reorganized.

Primary schools reopened in France Sept. 2. Secondary schools reopened on 15th.

French tenor Leon Escalais, 81, well known in the United States, died at Carcassonne.

Vichy government voted 50,000,000 francs (\$1,000,000) to clean up debris caused by bombing.

Famous French boys choir, Petits Chanteurs de la Croix de Bois, back on the road singing at benefits.

Sending of packages to French prisoners in occupied France via Switzerland has been discontinued.

Col. Yashenko moving his Yacht from La Bocca to Cannes with colleagues Joe Bridge and Felix Paquet.

All French people being asked to transform flower gardens into vegetable patches to increase food production.

All shows, galas, festivals and manifestations for charity purposes banned for time being in non-occupied France.

Crooner Jacques Pills, a prisoner, released by German captors, requested wife, Lucienne Boyer, whose singing Germans like very much.

New decree permits use of radio sets in public in non-occupied France. All radio sets in cafes, restaurants and cars banned on June 24.

Shortage of paper in France forced government to fine anyone throwing away paper in garbage can. Must be put in special container for collection.

With oil and gas scarce, Monsignor Delay, Bishop of Marseilles, has authorized churches in his parish to use electricity for sanctuary lamps instead of oil.

Roland Toutain, the French film star, was killed in Belgium on May 19, when German shell exploded, killing him and two companions, it's just been learned.

Weekly sheet, Marianne, with leftist tendencies, suspended for three months for article, 'Le Droit de Vivre' ('The Right to Live'), written by Bernard Lache.

Louis Jouvet in Marseilles from Paris with Marcel Herraud to organize company to give radio broadcasts. Company includes Madeleine Bazay, Marcelle Tassencourt and Oetty.

Crooner Charles Trenet, whose death was reported on several occasions, is in Marseilles getting his voice back into shape. With him are 'The Three Dares', Max Derval and Milly Mathis.

Jules Noel, French shotputter and discus thrower and once French record-holder in both events, was killed on May 19 while leading his group in front lines. Had been on every French Olympic team since 1924.

Eighteen metro (subway) stations reopened in Paris. One line from North Station to be improved while another is to be extended. Twelve bus lines from Paris to suburbs again functioning. Historic Montmartre funicular also back on job.

At Hyeres are playwright Yves Mirande and wife, Simone Berriau. At Lavandou, scene actors Pierre Blanchard and Andre Luguet. At Saint Tropez, actor Charles Vanel, while Roland Dorgeles and Carlos Rim are at Cassis, near Marseilles.

Germans have taken over Paris district of Marais, Radio City and Rex for troops-of-occupation entertainment. 'Miquette et Sa Mere' ('Miquette and Her Mother') is being shown in Rex since lead, Lillian Harvey, is considered German star.

Henri Decoin, released from Army, rejoined wife, Danielle Darrieux, at Cannes. Also in Cannes are Michele Morgan, Jean Mercanton, Viviane Romance, Rene De Villers, Steve Passeur, Micheline Presles, Berthe Boy, Jean Wall and Tristan Bernard. At nearby Antibes are Mistinguett and meggers Marcel L'Herbier, Leonide Mogno, Marcelle de France, Marcelle and playwright Lo. Salacrou. At Nice are megger Marcel Carne, Claude Andre Puget and novelist Francis Carco.

St. Louis

By Sam X. Hurst

Variety Club cooking up plans for a tonight charity show.

Eddie Jaffe returning to New York after launching publicity campaign for Garrick, burlesque house here.

Crystal Terrace, floor show room in the Park Plaza hotel, reopened for season after extensive facelifting.

Roy Kaiser, 24, Belleville, Ill., was killed when his auto overturned in a midget race at Paris, Ill., fairgrounds last week.

Civic Theatre, of which Gordon Carter is prez and director, finished its strawhat season in St. Louis about the time the RKO players left.

Former Mayor Henry W. Kiel re-elected prez of Municipal Theatre Assn. for his 21st consecutive one-

year term; 15 directors also re-elected for three-year terms.

William Morris, Jr., of the William Morris Agency, New York, stayed round for first few days of 'St. Louis Cavalcade' run in the Municipal Auditorium. Agency produced the show.

Orpheus and patients from the Shriners' and Veterans' hospitals were cuffed guests at concert of the U. S. Marine band, sponsored by the Marine War Post American Legion, at the Arena last week.

Twenty-four members of the singing chorus of the St. Louis Grand Opera Assn. will appear during grand opera season in Havana that starts Saturday (28). Localities made trip to the Coast in a special car.

Minneapolis

By Les Rees

M-G girls held steak fry at Lake Minnetonka.

Laurel and Hardy in person underlined for Orpheum.

National Screen moving all departments out of city.

Julius Volk, independent exhibitor, seriously ill at Glen Lake sanatorium.

Bill School, RKO exploiter, planning to stage 'Topsy and Eva' for charity.

Minneapolis Symphony orchestra season advance sale off to its best start in years.

Freddie Horn, formerly with Columbia in Omaha, added to RKO sales staff here.

St. Paul Orpheum had Ted Lewis—one of few legitimate shows to play there in several years—for four days following week here.

Duke Ellington band engaged for grand opening of new Coffman Memorial Union building on University of Minnesota campus.

Alvin theatre, striving to be different with road musical shows and films, has doorman instead of doorman to handle auto traffic.

Total of theatre presidential poll taken by Merle Potter for his Times-Tribune here and throughout territory shows Roosevelt leading Wilkie.

Eddie Ruben winner of Twin City Variety club golf tournament and will represent club at national convention tournament in Atlantic City next year.

Old Log theatre (strawhatter) at Lake Minnetonka offered comedy, 'Hot Oil and Henna', by Addison Lewis, local advertising man, for first time on stage.

J. J. Fried and Joe Podoloff, Minnesota Amus. (Paramount) president and 20th-Fox branch manager, respectively, back from New York, where three-year circuit product deal was closed.

H'wood Poll

Continued from page 3

tent on getting the lockdown on what is known as consensus.

Then George J. Schafer, president of RKO stepped in and hired Gallup as a national reporter on various trends of the film business. He wanted to know what the customers thought about stars, featured players, directors, stories, titles and every other note that sounds like money at the gate. RKO is paying for the job, so Schafer is keeping the returns in strict confidence, for use in production and exploitation for the benefit of RKO.

Wanger Sees for Himself

Meanwhile Walter Wanger, who produces a good brand of independent pictures, is touring the country on his own, speaking at dinners and luncheons of various civic, theatrical and industrial clubs and learning the facts of h.o. at first hand. The idea is that Hollywood is so wrapped up in the technique of picture-making that it has lost touch with the farmers, clerks, mechanics and storekeepers who pay for it all.

These sleuthing endeavors are likely to bring back players whom Hollywood has spurned because of a lack of vision into the great open spaces beyond the Sierras. The errors of judgment have been rectified by the return of Katharine Hepburn and Betty Grable, largely through public acclaim in the east. Miss Hepburn was once charged with pointing the boxoffice, but her 'Philadelphia Story' was so high-powered a tonic to the stage that she was fetched back to the films to invigorate the fading gate receipts. Miss Grable was given the Hollywood runaround until she clicked on Broadway, and now she is the fair-haired gal at 20th-Fox.

Sylvia Sydney is back before the lenses after departing Hollywood 'forever', and Esther Ralston has returned after catching the eyes of the critics in eastern strawhats. There may be a reunion of bygone film favorites in this town if the folks out in the sticks have their say. They know what they like, and they pay for it.

Madrid

By Joseph D. Ravetto

John S. Royal, NBC head, in from Lisbon.

Jose del Rio, father of the ship Julio del Rio, is dead.

Matilde Esterg, 84, mother of actor Gaspar Campos, is dead.

Imperio Argentina and Rafael Rivelles off to Italy to do pic.

Portuguese fox trot, 'Tirulirulo', is most popular dance in Madrid.

Film actor Julian Yebes Perez married to Josefa Rabi Moron.

Santiago Aguilar writing a bio of French actress Danielle Darrieux for film production.

Documentary pic, 'Gloria del Monaco', on Andalusian natural beauties, will start shortly.

Spanish pict-importer Alejandro Mollinedo back from Lisbon, where he'd been seeking American pics.

Madrid Symphony Orchestra touring Spain, giving benefit performances, with returns going to poor people's fund.

'Cosa Rara' ('Rare Thing'), opera comic opus by Jose Maria Sastre, temporary, will be given at Teatro Liceo, Barcelona, next season.

Pic actress Trasilia Criado on road tour in revue entitled 'Madrugara' ('Early Rising'), with actress Estruquera, Carman Sanz and Pilar Binet.

Percy Philp, N. Y. Times correspondent in Paris for years, in from Mch. Also in town, Max Schoop, former president of the American Club in Paris.

About 50% of Madrid's taxis withdrawn from service. Taxis bearing 'German' plates will not be allowed to do biz on days bearing even numbers, and vice versa.

Italo-Spanish pic, 'Sin Noveda en el Alcazar' ('No News from the Alcazar'), with French actress Mireille Balin and Italian screenstar Maria Denis, to be released in Madrid next month.

Marie Fernanda Ladrón, actress of silent Spanish, pict-mag, legit comeback. Will appear at Calderon theatre in comedy by Torrado, 'La Madre Guapa' ('The Attractive Mother').

Pepa Agueras just completed three documentary pics, 'La Sultana de Andalusia', 'Los Farols' and 'Toreadores Cordobeses'. Now preparing 'Los Jardines de la Granja' and 'La Chisquita Piconera'.

RKO announced it will do 'El Cruce de Baleares' ('Balearic Cruise'), written by Enrique del Campo and Antonio Guzman Merino, with musical arrangement by Odras Vila. Pic will be megged by del Campo.

Clare Boothe's 'Women' to be staged at Alcazar with Spanish adaptation by Samuel Roa. Cast includes Maria Pita Molinero, Montserrat Blanch, Maria Francis, Consuelo Artigas, Paquita Gallego, Poastora Pena and Manolita Rosales.

'Fanny Hill' (with Greta Garbo), 'Camille' in the U.S.), with Greta Garbo and Robert Taylor, was voted most popular in contest conducted by Valencia radio station. The Spanish 'Dolores', with Greta Garbo, Argentina and Antonio Vico, took second, garnering twice as many votes as third choice, 'La Tonta de Bote', with Estrellita Castro and Miguel Liger.

Pittsburgh

By Hal Cohen

Variety Club will hold its annual election of officers Oct. 10. Legit Helen Martin and Dave Mercur will tell it to a preacher on Sunday (29).

U. S. Navy Band hits Syria Mosque Friday (27) for afternoon and evening concerts.

Tony Callara quitting barkeep spot at Yacht Club to open his own oasis in East Liberty.

Nat Nazario, Jr. has set Oct. 6 for AGVA's first annual cabaret dance at Villa Madrid.

Songbird Flo Parker and trumpet player Bud Hill have been secretly sealed for a year.

Lang Thompson band reported set for reopening of William Penn hotel's Chatterbox late next month.

Judy Slarr's eight-year-old dotter, her ma in miniature, up from Clarksville, W. Va., for a few days.

Mike Shapiro named general chairman for an annual convention of AMPCO of West, next month.

George Tyrone back in Harris circuit as advertising chief after running Atlantic City beauty pageant.

Vernon F. Scott, circuit operator, coming out of a slogs of pneumonia at Lee Hospital in Johnston.

Jimmy Tetman new prey of Warner Club here and to New York over weekend for meeting of club heads.

Herman Wolpert, Bill Sussman, M. A. Levy and Edgar Moss in for sales pep talk at 20th exchange over weekend.

Harry Kalmine gifted Mickey Rooney with wrist watch for breaking house record at Stanley last week.

Post-Gazette has taken Ed Sullivan's Broadway column from Press. Morning sheet also carries Leonard Lyons.

Fred Burleigh, Playhouse director, in a Bath, Me., hospital recovering from an emergency appendectomy. Doubtful if he'll be back in enough, however, to stage Playhouse's first show next month and Board is seeking a temporary sub for him.

OBITUARIES

GROVER JONES

Grover Jones, 52, veteran film writer, died yesterday (Tuesday) in Los Angeles, following a kidney operation.

Details in the film section.

HARRY W. HOEHL

Harry W. Hoehe, 56, director of the concert unit of the Federal Symphony Orchestra, Pittsburgh, and a well-known theatre musician in that city since shortly after the turn of the century, died at the West Penn hospital there last week following a brief illness. Hoehe had been a member of the Pittsburgh-Musical Society for 37 years and appeared in the Pittsburgh Symphony under the baton of Victor Herbert.

When Elias Breeskin left Pittsburgh some years ago, Hoehe was named director of the house band at Lewis's-Elm, Penn. in Pittsburgh, but even before that had batoned theatre outfits at Davis, Pitt and the Million Dollar Grand. Since 1937 he had been with the Federal Symphony. Last winter, during the presentation of Musical Americans over KDKA, Hoehe was a feature violinist and near the end of the series was assistant concert master to Raymond Paige.

Besides his widow, Hoehe leaves one son.

HENRY LAVEDAN

Henry Lavedan, 81, playwright, boulevardier and oldest member of the French Academy, died sometime in August, it became known in Vichy, France, on Sept. 20. His

"HERBIE" darling,
I miss you so!

Regina

HERB CRUIKSHANK

Sept. 27th, 1939

plithy writings during the World War was a moving record of a changing era.

Born in Orleans, he wrote a number of plays, five of which were produced in America by Otis Skinner. Lavedan scored his first success in the theatre with a brace of short comedies produced at the Theatre Libre, Paris. Later he contrived a full-length drama, "Une Famille," presented at the Comedie Francaise in 1891. Other of his works included "Le Bon Temps," "Le Duel," "Ire," "Le Gout du Vin" and "Service." It was these that Skinner produced.

The dramatist was credited with improving the goodwill between the United States and France in the final years of the World War and the years of reconstruction.

EDWARD H. BOSTOCK

Edward H. Bostock, 81, retired owner of Bostock's Traveling Circus, founded in 1805 by his granduncle, "The Great Wombell," died Sept. 18 in Glasgow, Scotland.

Dubbed the "Barnum of Britain," Bostock operated circus and wild animal shows for more than 50 years. With his headquarters in Glasgow, he was noted for developing boxing kangaroos and wrestling lions as boxoffice attractions. He was particularly fond of elephants.

Bostock withdrew from the sawdust and spangles some nine years ago when he disposed of most of his animals to the London Zoological Society. He was also instrumental in founding the Glasgow Zoo in association with the late Tom Barrasford.

Two nephews, Claude and Gordon Bostock, former RKO agents, survive.

JOSEPH DAILEY

Joseph Dailey, retired actor who appeared in such Broadway plays as "Ned McCob's Daughter" and "The Poor Nut," died Sept. 23 at the Actors' Fund Home in Englewood, N. J., where he had long resided.

He made his debut in 1883 as a song and dance man. Later, he acted in stock at the old American theatre, N. Y. Fumec services will be held tomorrow (Thursday) at the Walter B. Cooke Funeral Home on W. 72d street, N. Y., under auspices of the Fund.

FRED J. (BUCK) HEALEY

Fred J. (Buck) Healey, 50, former head of the Buffalo office of the Burns Detective Agency, was killed in an automobile accident at Niagara Falls last week. Up to 1918

he was in the show and circus business, having traveled for years as a spotter with the 101 Ranch. Healey's acquaintance with the late William J. Burns brought him into the latter's organization, where, during his 20 years service, he was connected with several nationally famous criminal investigations. About four years ago he left the Burns Agency to become chief of the police squad for the Ringling circus. He suffered a stroke a week after joining the show.

He was a brother of the late Ed Healey, of Healey and Cross, vaudeurs.

MARIE HARTMAN

Marie Hartman, 49, veteran vaude comedienne, died of a heart ailment in Bellevue hospital, N. Y., Sept. 24. She teamed with Raymond Wylie some 20 years ago in a singing and dancing act and later was part of a similar act known as Gardner and Hartman. With the decline of vaudeville, Miss Hartman toured with Billy Hibbett.

She married Billy Smythe, had one daughter and was later divorced. Smythe re-wed. Daughter survives. Funeral services will be held under auspices of the NVA, of which she was a member, and burial will take place in Kensico cemetery, N. Y.

JESSICA REED

Jessica Reed, 43, once highest paid showgirl with the "Ziegfeld Follies," died in Osteopathic hospital, Chicago, of bronchial pneumonia on Sept. 18.

Married four times, twice to millionaires, she died in poverty, having been reduced in her last years to hawking in Chi nite clubs.

Burial in Chicago. Daughter survives.

Further details in legit section.

DENTON VANE

Denton Vane, 50, who once appeared in legit and acted in pictures during the 1920s, was fatally stricken with a heart attack Sept. 17 while walking in Union Hill, N. J.

A member of the Lambs and the NVA, Vane is survived by his sister, Mrs. Elizabeth Love of Brooklyn.

CHARLEY STRAIGHT

Charley Straight, 49, vaude performer and orchestra leader, was struck and killed by an automobile in Chicago Sept. 22.

A veteran entertainer, his band was featured at Chicago's Century of Progress Exposition in 1933-34.

JOHN BARCLAY

John Barclay, 57, playwright and scenarist, died Sept. 22 in Los Angeles.

He wrote many scripts for Lon Chaney in the days of silent pictures.

Ruth Miller, 48, of NBC's San Francisco press department, was found dead Sept. 18 in her apartment, apparently victim of heart attack brought on by overwork of sleeping powers.

Richard Minton, 20, son of Ralph C. Minton, Fort Wayne, Ind., announcer (broadcasts as Ralph Knox), died Sept. 14 after an automobile mishap.

Frank Raymond Beckard, 48, projectionist in Atlantic City, died Wednesday (18) at the Atlantic City hospital following an illness of two weeks.

Mother, 70, of Bob Redd, NBC producer in Hollywood, died Sept. 18 in Pasco, Wash.

Jack Adair, 46, bit player in pictures, died Sept. 22 in Hollywood.

Oldtimers' Click

Continued from page 1

cycle by starring in a Broadway show. George Jessel is also talking a stage musical.

Al Johnson's sensational click in his own Broadway musical may land him back on the air under the insignia of his last sponsor, Lifebuoy (Lever Bros.). Johnson is reported to have held conversations on the subject with the William Eddy agency, which now has the Lifebuoy account. Johnson's support in such a series would be Martha Raye and Bert Gordon.

In his previous alignment with the soap Johnson had Miss Raye and Parkyakarkas. Life Buoy is currently underwriting the "Meet Mr. Meek" serial on CBS Wednesday nights.

FINE MRS. WILNER \$1,000 ON U.S. TAX RAP

Philadelphia, Sept. 24. Mrs. Stella Wilner, wife of Max Wilner, ex-operator of a burley wheel, was fined \$1,000 and costs by Federal Judge Guy L. Hand here last Thurs. (19) on charges of failing to pay social security and amusement taxes to the government while operating the Shubert.

The house was shuttered two years ago in a raid by the U.S. Marshal. Mrs. Wilner was specifically accused of holding out \$2,000 in social security taxes and \$3,198 in amusement levies. Thomas J. Curtin, Assistant U.S. Attorney, recommended that Mrs. Wilner be granted leniency because she had used the money to pay salaries to try to keep the house running.

The court ordered that a judgment for the back taxes plus interest, amounting to \$9,500, be placed against Mrs. Wilner to be made collectable when and if she ever gets some assets. Thomas German, manager of the Shubert, was exonerated by the court.

Rudnick Brings Burley Back to Bridgeport

Bridgeport, Sept. 24. Max Rudnick returns burley to the Lyric, rented from Loew's-Poli, with Ann Corio starting Saturday (28). Policy's two-a-day, with vaude Sundays.

Ed Madden manages house and Charlie Ferron batons in the pit.

U.S. Radio-Reich

Continued from page 1

economical to give up all Nazi connections. In Great Britain, despite censorship, considerable latitude is allowed American press and radio representatives.

From the broadcasting angle the Nazis are now in a position where they control or influence nine-tenths of all Europe. The ban against listening to shortwave broadcasts has been extended to include all occupied territories. There is no such thing any longer as an independent or neutral radio on the European continent. No country on the continent, even those not directly dominated by Germany, will now allow its facilities to be used for the broadcasting of anything that might meet with Nazi frowns. This situation presents an impossible problem for the American networks, which do not wish to be spoon-fed by Nazi agents with propaganda.

MARRIAGES

Betty Carr to Lawrence Ford, in War. W. Va., Sept. 21. He's on the WKRC sales promotion staff, Cincinnati.

Mildred Bole to Lyman Potts, in Saskatoon, Sask., Oct. 3. He's production manager of CKCK, Regina, Sask.

Madeleine S. Frick to Fred J. Uttal, in New York, Sept. 20. Bride is a former beauty contest winner; he's a radio announcer and script writer.

Katherine Kelsey Hodges to Frederick Clayton Johnstone, Sept. 18, in Lynchburg, Va. Groom is with WLSB, Roanoke, Va.

Max Holoyad to Roger M. Kennedy, in Detroit, Sept. 14. He is international v.p. of IATSE, bride is formerly of the Detroit office of IATSE.

Inez Flechter to Armand Cardea, in Brooklyn, Sept. 22. He's in Paramount's foreign publicity department.

Eleanor Needles to George Reeves, Sept. 22, in Pasadena, Cal. Both are picture players; bride is granddaughter of John Robinson, circus owner.

BIRTHS

Mr. and Mrs. Clark Brown, daughter, in New York Sept. 19. Father heads Paramount home office tax department.

Mr. and Mrs. Arthur Peterson, son, in Chicago, Sept. 16. Father is dramatic radio performer; mother is former Norma Ransom, actress.

Mr. and Mrs. James Laux, son, in Pittsburgh, Sept. 16. Father's manager of WB Cameraphone theatre, Pitt.

Mr. and Mrs. Edward Tyler, daughter, Los Angeles, Sept. 19. Father is stage and screen actor.

Mr. and Mrs. Cameron Shipp, daughter, in Los Angeles, Sept. 20. Father is in Warners publicity department.

Spain's Pix Market Yen

Continued from page 1

sumption had been supplied by the Yanks.

The real goal, however, is South and Central America. With more than 85,000,000 Spanish-speaking people in Latin America (excluding Brazil, which is Portuguese-speaking) and elsewhere in the world, excluding Spain and her colonies, Spanish producers look to the outside world to amortize its industry. By virtue of common language and customs, Spain feels that it has a good chance to at least compete on even terms with Hollywood.

Latin America has become accustomed to the Hollywood product and as such has become exigent and will demand a high-grade type of film. Spain fully realizes that the film markets of Spanish-speaking countries will not fall like ripe plums, but must be fought over by pre-

sumption from Hollywood, but a study of Spanish pic history will show that relatively important gains have been made. The year 1934 marks the beginning of Spain's film era when, for the first time in its history, a number of productions were produced on Spanish territory. Two rated more than passing interest. They were "Susana Tiene Un Secreto" ("Susana Has a Secret") and "La Traviata Molinera" ("The Miller's Frolic"). Production showed a slight increase until the outbreak of the Civil War in July, 1936, which saw a complete breakdown of local production. All the studios were in the hands of the Madrid government for almost the entire duration of the conflict. Fortunately for most of the actors, they picked the "right" or winning side and when war was over were permitted to continue with their profession while others,

Spain Vs. Hollywoodism

Madrid, Sept. 10.

Spain is politically and ideologically hostile to Hollywood, which it accuses of being too radical. It raises much the same objections to America's film capital as do Italy and Germany. This, it is added, was best reflected by the moral and material aid given by Hollywood's figures to Red Spain during the Civil War. Many of Hollywood's actors are on the black list here because of the aid and although their pix may be exhibited here, their names cannot be given any publicity either in film ads or in magazine articles. The tabooed include Doug Fairbanks, Jr., Joan Crawford, Franchot Tone, Paul Muni, James Cagney, Charles Chaplin, Francis Lederer, Mary Pickford, Sylvia Sydney, George Raft, Robert Montgomery and others. Many of them have publicly denied having had any association with the Madrid crowd, but the present government here is adamant on this point and until now has not altered its decision.

sent a product superior or at least equal to that turned out by Hollywood. Once they have a product which has attained the Yank standard, Spanish businessmen are sure they will be able to oust Hollywood's representatives from South America. They believe that South America is right down their back alley since the Yanks fail to understand Latin American psychology—main reason they reason for their failure to make money headway in the political and business field there.

Already plans have been made for the production of between 50 and 60 pictures for the coming season. Although there is nothing in Spain's film tradition to warrant this huge leap, men in the trade here are confident that the end of 1941 will see their present production estimates realized.

According to the Ministry of Industry and Commerce's review, Information Commercial Espanola, Spain considers herself naturally fitted to become one of the great picture nations since, it adds, she possesses the qualities which made the U.S. a leader in this industry.

The article says: "The younger countries appear to be the most capable as most fashions in cinema producers... and... the best cinema productions emanate from such authentic young countries as the United States, Germany and Italy, creators of a cinematographic style bearing the highest artistic and human and even commercial values." The review completely ignores France and Great Britain's contributions in this field, even though they followed the United States in film importance.

Difficult Road to Trod Spain's pic industry has had a difficult road to trod during the past six years. Since its Civil War, however, relatively important strides have been made. Several new studios have been constructed and fitted with the latest improvements, and a number of gifted technicians, many of whom have received their schooling abroad, are in charge. All the studios in Spain are privately owned. There is no government set-up here as at the Cinecitta Studios in Rome.

Today, in Spain, there are 10 studios and five dubbing establishments. There are 23 established producers and about a score of tonight meggers. Largest producer is Cifesa, directed by Manuel Casanova, and like Ulgari, second largest producer, the great bulk of its films have been produced in Italian studios. The latter has a close working arrangement with the Italian producer, Bassoli.

Five of Spain's studios are located in Barcelona, four in Madrid and one in Aranjuez. Three of its five dubbing plants are in Madrid and the remaining two in Barcelona. Barcelona outranks Madrid in film importance.

All this, of course, is a far cry

including beautiful Maria del Carmen, were banned from the industry since they had associated themselves with the so-called "Red" government. The only films produced during the struggle were turned out in Italian and German studios. In the 15 months between the fall of Madrid on March 28, 1939, and the end of the last pic season in June, Spain produced 24 long-footage features, three of which have not yet been released as well as numerous documentary and propaganda pics. An almost equal number were produced in Berlin and Rome studios during the same period with Italo-Spanish and German-Spanish capital and with Spanish actors and technicians.

O. & J.'s Party

Continued from page 1

erator boxes, all empty. There were insects and animals, from live lice, goats, sheep, skunks and pigs, the practical ones going to Chic Johnson's farm. There was a trick cash register that cost real coins. The least bit of "Chic Sales" specialist products. One was all dilled up and painted: "Chic and Oley pick your holey." One of the biggest laughs came when an immense hamper of roses was placed on the stage, the "gift" of Bob Christenberry of the Astor hotel. Just as the flashlight boys got ready to shoot, out popped Broadway Rose, a character, who kissed Olsen. She got five bucks, it being the second time they ever got past a stage policeman. Milton Berle having been in the Friars Frolic at the same house last winter.

A 60-piece band from Danbury clogged up Broadway for a time and marched around the aisle, musicians ruly or not. Band came with the mayor of the town, who presented O & J, with a couple of 10-gallon hats.

Then, what started like an orderly stunt was the appearance of the St. Malachy's robed choir, which sang "Happy Birthday To You." It was rather amusing until the kids pulled guns from their cassocks and started shooting blanks—like the comics do so frequently during "Hellz."

There were mammoth cakes and all manner of gadgets. Four of the visiting mayors warbled "Sweet Adeline" and it was approaching dawn when the party broke up. It was a press stunt, practically, but there's never been anything like it.

Warner, A. C., Dark Again

Atlantic City, Sept. 24.

Warner theatre, handsomely appointed walkway house, seater, closed recently after summer season. Frank Zehringer, who was manager, is now in charge of the Stanley, WB's house further up the boardwalk. Zehringer, who managed the Stanley, now directing the Princess, Camden.

WHAT THEY THINK

Frisco AGVA's Denial
San Francisco.

Editor, VARIETY:
In the Sept. 18 issue, you have published a letter signed by Clarence Rivers, a performer in Ripley's Believe It Or Not Odditorium. In this letter, Mr. Rivers made certain charges concerning the activities of AGVA at the Golden Gate International Exposition and charged its officials with negligence. We feel that we cannot, in fairness, let this matter go unchallenged.

The undersigned constitute a committee of deputies to administer affairs of the Gay-Way at the Exposition, and were elected at a meeting of all the employees. We feel we are in a good position to testify to the record of AGVA at the Exposition.

From the very first week of the Exposition, when the Gay-Way was organized, the AGVA officials, particularly John Jennings, executive vice, and Vic Connors, executive secretary, have been most diligent and untiring in their efforts to secure wages and conditions for all the employees on the Gay-Way and they have given us freely of their time. Mr. Jennings was assigned by Mr. Connors to the Island and not one day has gone by without Mr. Jennings being in attendance. Every performer on the Island, including talkers, grinders, lecturers, bally people were entirely organized and the scale and conditions enforced. The outdoor show world is one of the most difficult to organize and its people among the most difficult for whom to secure wages and conditions. Many cases of payment by scale and violation of conditions were brought by this Committee to the attention of Mr. Connors and Mr. Jennings, and in every case, these differences were promptly and satisfactorily adjusted.

We understand Mr. Rivers has admitted that his letter was written through misunderstanding and that he has completely retracted his erroneous statements contained therein. We feel that we would be doing ourselves and our fellow performers a great injustice if we did not take advantage of this opportunity, not only to refute Mr. Rivers' letter, but to go on record that it is our opinion that the performers engaged at the G.G.I.E. have, under AGVA's protection, received the most adequate and intelligent support that they have ever received from any union.

It is unfortunate a letter so unjustified has been published and should cloud the really excellent work that AGVA has done. Naturally, all the performers on the Island know the truth.

We request that you print this letter to clear up any misunderstanding in the minds of people who are not as close to the facts and who may have read Mr. Rivers' letter last week.

G.G.I.E. Gay-Way Committee.

Andy Anderson.

Sally Rand Nude Ranch.

Cliff Lowe.

Elyseum Theatre.

Deane Moore.

Chinese Village.

Jack Keeno (Manager).

Candid Camera.

Pat Delaney.

Incubator Babies.

Chuck Lallecorre.

Terrell Jacobs African.

Jungle Camp.

Jack Lowry.

Ripley's Odditorium.

W. M. Lyon.

World of a Million Years Ago.

Paul R. McHugh.

Miss America.

H. L. Wilson (Manager).

Glass Blowers.

Elliot F. Curly.

Life Show.

C. H. Fogle.

Monster Show (Cliff Wilson's).

Talbot So, Says Cab, Inc.

New York.

Editor, VARIETY:
In your issue of Sept. 4, on page 41, an article commenting on Jersey and Westchester Band Spots, states as follows in referring to the Meadowbrook, Cedar Grove, "N. J. that Meadowbrook was going great guns until June with Gene Krupa, then sloped off considerably with a stretch of B-draw outfits, including Cab Calloway and Joe Venuti."

On behalf of Mr. Calloway, we must state that we do not understand what is meant by the expression "B-draw outfits." It is a fact that Cab Calloway and his orchestra are one of the outstanding bands in

the country, commanding a salary and a record of success that keeps him in that class. Furthermore, Frank Dailey, owner of the Meadowbrook, states that in his opinion, during Calloway's engagement, the falling down of business is attributed to the abnormally unseasonable weather. He was so satisfied with the services of Cab Calloway and his orchestra, that he requested an option for their services for a period of four consecutive weeks, commencing some time this winter.

Cab Calloway, Inc.
By William Mittler,
Asst. Treas.

[Comment on Cab Calloway's drawing power did not cover all his activities. He and his band are an unquestioned theatre attraction, on the record. Story merely reported his ballroom pull compared with Miller, Tommy Dorsey, et al.—Ed.]

No Nom-de-Plume
New York.

Editor, VARIETY:
On page 55 of your Sept. 4 issue, the name "Betty R. Blunt" (Illustrator for "Bet It's a Boy"), is called an obvious phony. Not true. She is, or was, confined to the Baker Clinic, Deaconess Hospital, Boston (Leahy Clinic). At the time I knew her, one year ago, she had been confined to bed for 18 months as a result of a spinal injury and was illustrating several children's books. Check with the Leahy Clinic for her address, and I think you'll find I'm right. Give the girl a break.

Ralph J. Gleason.

What's Wrong . . .
Mt. Vernon, O.

Editor, VARIETY:
Just a line from a hick in the sticks who would like very much to give VARIETY readers his opinions on the double feature, bank night, bingo, and entertainment.

I believe that the double feature is the direct fault of so many so-called showmen who were made district managers of both large and small chains. Everyone knows just what a district manager is. He is the bird who flies around the circuit telling each manager just what he should do to double the b.o., just how he can arrange a full page ad tieup so a local merchant will foot the bill and the theatre will get all the space. This leads to more tieups with local merchants paying the cost, promoting car giveaways, cash awards, crazy games and various other promotional activities. It was by this method that the double feature came into being. One bright D. Mgr. thought that if one good feature would do business why wouldn't two pictures do just twice as much business. As the business knows today, that was the one serious mistake made in the motion picture industry. Now even head in this question is to employ the means they have at their disposal, and that is to make each exhibitor's contract read that only one feature may be played on each change of program. This way and this way only can the double feature be stopped.

Bank night is perhaps the other biggest curse that has put many an exhibitor between the devil and the deep.

If his opposition gave his customers bank night, then he must do the same in order that his clients do not desert him for a 10,000 to 1 chance of winning \$5 to \$100 dollars. The only way to stop bank night is for the independents and chains to sign an agreement to discontinue all forms of lotteries and giveaways. Bingo comes under the same class as bank night.

It seems to me that the main trouble with the picture industry is Gipeitis, and it has just about killed off the industry, so why in aitch don't the Big Boys get busy and save their baby before it up and dies from lack of proper treatment.

As for entertainment we have had a lot of it and the public right now is entitled to far more of it than they have been getting lately. As a good example look at the records "Boom Town" is setting around the country. Metro had the courage and foresight to ask more dough from the cash customer for this four-star hit because they knew it was a motion picture full of entertainment, and that the cash customers would go away satisfied that he had received his money's worth. What the industry needs is more entertainment attractions and less political pictures telling us what we already

know about the arch-enemy of civilization. Thus, I think the industry should pick itself up and start making Entertainment Plus and by doing so get itself back on its feet.

Yours for a better motion picture Entertainment season,

Conrad McLarnan.

Dexter Fellows' Widow Sues Ringling for 15G

Signe Fellows, widow of Dexter W. Fellows, filed a N.Y. federal court suit Friday (20) against Ringling Bros.-Barnum & Bailey Combined Shows, Inc., seeking \$15,000 damages claiming breach of contract. The widow of the Ringling press agent asserts that on April 9, 1939, the defendant approached her and made an agreement to give a benefit performance at Madison Square Garden in memory of her husband and to donate all the proceeds to the erection of a monument to him in New Britain, Conn., with the balance being given to her.

She claims that the circus management turned over \$500 to her, and has consistently refused to give her any more.

Gompers Pic

Continued from page 3

Labor Council last week. Sinnigen said that a bank had agreed to put up \$250,000 of the production cost and \$150,000 more is being sought as an investment from central labor bodies, State federations and international unions.

Sinnigen said that Paul Muni had been signed to play the role of the AFL founder. This was denied by Weill "unless he'll work for \$25,000, which he has shown no disposition to do." Luther Adler was announced by American Pix for the role last Spring. Weill said the deal is no longer definite.

What apparently contributed to Sinnigen's misapprehension—if it is a misapprehension—is the fact that I. M. Ornburn, chief aide to Matthew Woll, v.p. of the AFL and sec-treas. of the Union Label Trades department, is also treasurer of American Pix. He and other AFL biggies were present last spring when the announcement was made by Weill of the Gompers film.

Script referred to by Sinnigen as held by the AFL is actually the one owned by American Pix, Weill said. It was prepared by Geza Herczeg, 1938 Academy winner for "Emile Zola." Weill also asserted American Pix has obtained from Gompers' son sole right to make the film.

American was supposed to start shooting on the pic at the Eastern Service Studios in Astoria, L. I., early in June, with Adler, Ruth Gordon and Claude Rains in the cast. Difficulties which may be tied up with the AFL leader's announcement that it would make the pic itself—led to postponement. Now, Weill said, neither cast nor studio has been decided on, although shooting will start "soon."

Distribution, according to Sinnigen, will be by the AFL itself. Last May, Jules Levine, prez of Am Pix, declared his outfit had given up the idea of outside distribution because so many union groups had expressed willingness to subscribe to tickets. Sinnigen said many outsiders wanted to handle or make the film, but the AFL feared they would delete parts of the story which it wanted in.

Repubs. Chary

Continued from page 3

nightly showings planned in many sections.

In 1936, the Republicans managed to induce a good many exhibs, mostly in small towns, to unroll their vote-seeking shorts. But the results were far from pleasing. In many spots, this strategy boomeranged, with house proprietors finally refusing to show the pictures because of hostile audience reaction. Censor trouble also was encountered, notably in states where New Dealers held sway.

So far, no attempt has been made to enlist the help of theatre owners, although there have been nibbles. One sectional chain has shown interest, but there is no crying demand.

The Republicans realize that exhibs in metropolitan areas and big chains are not likely to invite trouble by showing the propaganda films. With the anti-trust suit still pending and New Dealers in the saddle, even the most enthusiastic Willkieite recognizes that the house operators don't want to get in the middle.

Charles L. O'Reilly, former exhib-

Football

By Dick Fishell

(WHN, N. Y., Sports Commentator)

Ohio State—Pittsburgh

One of the major conflicts of the day will find the vaunted Buckeyes visiting the Panthers of Pittsburgh in a battle that might upset all Ohio's ambitions for national recognition. There are few leftovers from the Sutherland talent on the Pittsburgh campus, so they must depend entirely on honest-to-goodness students. Their power is still a question mark, while Ohio State has everything that's required for an unbeaten season. A fast starting team, the Buckeyes should slice their way to a substantial victory.

Boston College—Tulane

The Boston College Eagles are represented by the most formidable array of Moleskinners they've ever boasted. The trouble is they're going into the torrid deep south to battle one of the strongest outfits in that section. Tulane's business is football—they've enough material for four good teams and their reserves will mean the difference between victory and defeat. The Green Wave will win this game in the second half when the Eagles start to wilt.

Minnesota—Washington

The Washington Huskies are being touted as the Rose Bowl candidate

by pointing their way to the top of the heap. They are well manned at all positions, but none of their boys has the individual talent of Michigan's Tom Harmon. Harmon is the Red Grange of the Middle West, and breaking him loose spells the difference between these two elevens. Michigan gets the edge.

USC—Washington State

State hasn't been tough since the days of Turk Edwards and Mel Hein. USC, after losing the who's who of football by graduation, still has enough material to make things very unpleasant for all of their opponents. This should merely be exercised as Southern Cal romps to a win.

Southern Methodist—UCLA

Kenny Washington is no longer in uniform and therein lies the loss of three-quarters of UCLA's attack. Southern Methodist has lost nothing through graduation and, with a year's more experience under fire, these mustangs will rate among the best 10 of the nation. SMU will start their road to glory with a triumph.

Mississippi—LSU

A year ago practically all of the Louisiana State touchdowns could be attributed to the pass-catching

Probable Football Winners And Proper Odds

GAME	WINNER	ODDS
Boston College—Tulane	Tulane	11-5
California—Michigan	Michigan	12-5
Minnesota—Washington	Minnesota	Even
Ohio State—Pittsburgh	Ohio State	3-1
U. S. C.—Washington State	U. S. C.	3-1
S. M. U.—U. C. L. A.	S. M. U.	8-5
Texas—Colorado	Texas	2-1
T. C. U.—Centenary	T. C. U.	3-1
Mississippi—L. S. U.	Mississippi	6-5
Florida—Mississippi State	Mississippi State	3-1

on the Pacific Coast. They have many veterans and many ambitions. However, they travel to Minneapolis to take on a big Gopher squad that will outweigh them 10 pounds to a man and coached by the crafty Bernie Bierman. After two years of mediocrity, Bierman's on his way back to the top. He'll use Washington as a stepping stone back to the heights.

Texas—Colorado

Colorado is not living on the reputation of Dutch Clark or Whizzer White; they still play sound football and are slated for their conference championship. The Texas Longhorns are machine geared for offense, and sparked by one of the greatest running backs in collegiate ranks. The elusive Jack Crain will spearhead an attack that will devastate many a gridiron this fall, and he'll lead Texas to a victory.

California—Michigan

The Bears of California are slow-

ability of Ken Kavanaugh. He's departed and the touchdown formula will now be a problem. Ole Miss returns to the wars with a veteran group of natural footballers. They'll have trouble, but they should get the nod in this initial contest.

TUC—Centenary

Dutch Meyer has been searching for another Sammy Baugh or Davey O'Brien. His double wing back system requires that kind of a tosser to be effective. He'll experiment against Centenary and run up three or four tallies while doing so.

Florida—Mississippi State

The Florida Gators had a good freshman team last year. They are depending on these boys to make history. Mississippi State is the dark horse of the south—they're potent and may develop aggregation. You know how sophomores are and their mistakes will enable State to cop the decision.

itor and head of the Theatre Owners Chamber of Commerce of New York, now chairman of the motion picture division of the Democratic National Committee, flew back from Hollywood the end of last week after lining up campaign plans on the Coast. He was out there 10 days and will probably make another trip shortly for follow-through.

Immediately on getting back east, O'Reilly huddled with Sol Rosenblatt, general counsel of the Dem Committee; Jack Connolly and others. Rosenblatt headed the amusement division of the NRA while Connolly was for years with Pathe News.

While O'Reilly is chairman of the film division as an industry generally, Eddie Dowling is chairman of what is known as the stage and screen division which mostly handles contacting of talent and the like. Walter Brooks, for years in pictures and formerly at the Par Astoria studio, is acting as assistant to Dowling.

Johnny Johnstone, who heads the radio end, states that he is making it a point to try to arrange broadcasts on the campaign so that they do not go on the air in opposition to important programs.

Attempting to line up the exhibs of the country, O'Reilly has sent out a total of 17,000 letters asking the

support of theatre operators in re-electing President Roosevelt.

While on the Coast, O'Reilly put the Hollywood-for-Roosevelt movement under way, with over 2,000 in pictures signed up to date, and organized a main plus an advisory committee.

Pat O'Brien is chairman of the Hollywood-for-Roosevelt committee and Joan Bennett is vice-chairman. Other officers are Bryan Fox, treasurer; Sid Grauman and Abe Lastfogel, assistant treasurers; Ralph Block, secretary; Milton M. Black, counsel, and Fred B. Meyer, chairman of industrial relations.

The advisory committee setup includes John W. Considine, Jr., Alice Faye, Douglas Fairbanks, Jr., Dorothy Lamour, Edward G. Robinson, Harry Joe Brown, Leo Carrillo, Winfield R. Sheehan, Miriam Hopkins.

Following O'Reilly's trip to the Coast, it was claimed that a survey indicated that around 90% of the industry, labor wing of which was 100%, were for Roosevelt in the coming election.

Joseph L. McClellan, leader of the Legion Hall Modernaires' orch and assistant manager of the Avenue Ballroom, Saskatoon, has been called by the Royal Canadian Air Force. He will be a wireless operator.

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NOW PAT THE FACE
DRY. IT FEELS SOFTER.
SMOOTHER. SEE HOW
FRESH IT LOOKS!

I WOULDN'T DREAM OF
NEGLECTING MY DAILY
LUX SOAP **ACTIVE-LATHER
FACIALS**. THEY LEAVE
SKIN FEELING SO SMOOTH
AND SOFT, LOOKING
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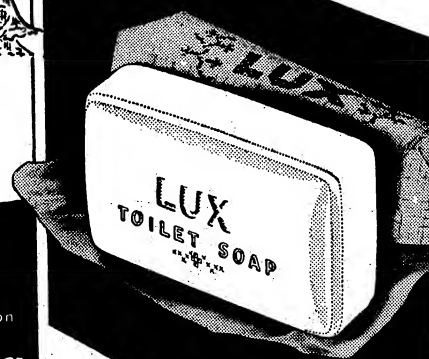
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